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ABSTRACT

It is estimated that the typical American child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school. Concern for the impact television violence may have on American society prompted this Senate hearing. As stated by Senator Hollings, the goals of the hearing were the following: (1) to determine the compelling State interest; (2) examine the historical record of Congress in this area; (3) review how the television industry could police itself; and (4) study the numerous bills which had been introduced. Opening statements were made by the following U.S. Senators (in order): Ernest F. Hollings, John C. Danforth, J. James Exon, Conrad Burns, Byron L. Dorgan, John F. Kerry, Slade Gorton, Kay Bailey Hutchison, and Larry Pressler. Those presenting testimony were: Catherine Belter, National Parent Teacher Association; Winston Cox, Showtime Networks Inc. & National Cable Television Association's Satellite Network Programmers Committee; Gael Davis, National Council of Negro Women; Al DeVaney, WPWR-TV Channel 50 & Association of Independent Television Stations, Inc.; Edward Donnerstein, Department of Communications, University of California; Paul Dovre, Concordia College; Dave Durenberger, U.S. Senator from Minnesota; Robert Gould, National Coalition on Television Violence; Carl Levin, U.S. Senator from Michigan; Mara Purl, Susan Clark, & Alex Karas; James Quello, Federal Communications Commission; Janet Reno, Attorney General of the United States; Paul Simon, U.S. Senator from Illinois; Joy Stockwell & Dean Stockwell; Howard Stringer, CBS Broadcast Group; Jack Valenti, Motion Picture Association of America; George Vradenburg, III, Fox, Inc.; Lindsay Wagner. Appendices include: Carl Levin, U.S. Senator, letter from, to U.S. Senator Hollings, dated November 3, 1993; prepared statement of the American Medical Association; Ed Donnerstein, University of California, Santa Barbara, letter from, to John Windhausen; prepared statement of Senator Dorgan; and "H. F. Guggenheim Urges Vigilance against Media Violence," press release. (JBJ)

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S. HRG. 103–852

S. 1383, CHILDREN'S PROTECTION FROM VIOLENT PROGRAMMING ACT OF 1993; S. 973, TELEVISION REPORT CARD ACT OF 1993; AND S. 943, CHILDREN'S TELEVISION VIOLENCE PROTECTION ACT OF 1993

ED 386 658

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

OCTOBER 20, 1993

Printed for the use of the Committee on Commerce, Science, and Transportation

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WEDNESDAY, OCTOBER 20, 1993

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m. in room SR–253, Russell Senate Office Building, Hon. Ernest F. Hollings (chairman of the committee) presiding.

Staff members assigned to this hearing: John D. Windhausen, Jr., staff counsel; and Regina M. Keeney, minority senior staff counsel, and Mary P. McManus, minority staff counsel.

OPENING STATEMENT OF SENATOR HOLLINGS

The CHAIRMAN. The committee will please come to order. Today we commence our hearing with respect to television violence.

In a line, the American Psychological Association estimates the typical child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school. And we have seen the different acts over the years. Johnny Carson, when he put in a harmless way just a noose around his neck, dropping him through a hole, of course he emerged unharmed. A little 4-year-old, Nick DeFilippo, tried it and was found dead before the NBC TV screen.

We had "The Deer Hunter," where those in the war were playing Russian roulette, flipping the barrel of the gun, taking their chances to whether the single bullet would strike. And after that particular scene in "The Deer Hunter," 26 people were found dead from self-inflicted gunshot wounds to the head.

It is getting worse and worse. The American Pediatric Association has found out that acts of violence have trebled here in the eighties. And I think the important thing to record here as this committee, and I will put my full statement in the record, is that we started back in 1952 over on the House side, and then on the Senate side with Senator Estes Kefauver in 1954.

Senator Pastore, in the sixties, started a series of hearings when I first got to the Congress, and he had hearings in 1969, 1971, 1972, and 3 days of hearings again in 1974.

I want to make a note here that about those hearings in 1974, because you are going to hear the industry talk about its guidelines and self-regulation. I have a record here of the release of the Fed-

eral Communications Commission dated February 1975, 18 years ago, where the industry said 18 years ago "We are going to put out these guidelines and control ourselves." From some of the prepared statements, that is exactly what they are saying 18 years later today.

But Chairman Wiley at times said, of course, that the new proposal would go into effect and they had no reason to expect that the board would reject the proposal, and here they have got that the guidelines would receive favorable support by the American public, and they had no reason to believe that this would not control it, and that would end TV violence back in 1975.

Again, we had hearings in 1976 that I conducted, and 1977, 1989. And the reason, as your chairman, that I relate this is that we do not come anew to a problem. We come to a worsening problem. A problem that has reached a crisis stage. And what we have now is the responsibility, knowing of the overwhelming and compelling State interests, to determine the least restrictive manner in which we can control it.

We all believe in the first amendment, and yet the courts have found over the years that they can control indecency on television, and that has been since 1927, that at least now we can use that as a precedent to control this violence.

So, we will be looking and making this particular record to determine the compelling State interest, examine the historical record of the committee and the Congress over the years, review the assertions of the industry of how "we are going to police ourselves" and instead seeing the amount of television violence becoming worse and worse, and study the numerous bills that have been introduced.

Let me at this particular time, also add into the record the statement of the Acting Chairman of the FCC, Mr. James Quello. Obviously, the new chairman has been recommended and reported for confirmation by this committee. Mr. Quello has been there for years. He is experienced. He did not want to appear to be talking for the FCC, but he talks as an individual commissioner from his own experience, a very, very valuable statement.

[The prepared statements of James H. Quello and Senator Hollings follow:]

PREPARED STATEMENT OF JAMES H. QUELLO, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

Thank you for allowing me the opportunity to express my views to the Committee on this very important problem and on pending legislation to address it.

The American public has become increasingly outraged by the excessively graphic violence in television programming, and has begun to seriously question whether the public interest is really being served by making this type of programming so readily available to children and young teenagers.

The distinguished Senator Paul Simon took a leadership position in responding to this public outcry by legislating an antitrust exemption to allow networks and cable to discuss joint efforts to voluntarily reduce excess violence on television. Senator Simon quoted a very frightening article in "The Journal of the American Medical Association" by a distinguished psychiatrist whose study of murder rates among whites in several countries, including the United States, shows that the murder rate doubled 10 to i5 years after the introduction of television into the nation's culture. Dr. Brandon S. Centerwall of the Department of Psychiatry and Behavioral Sciences at the University of Washington, concluded a study by stating "Long term childhood exposure to television is a causal factor behind approximately one-half of the homicides committed in the United States, or approximately 10,000 homicides annually.

If, hypothetically, television technology had never been developed, there would today be 10,000 fewer homicides each year in the United States. 70,00 fewer rapes and 700,000 fewer injurious assaults."

In response to Senator Simon's initiative, the National Association of Broadcasters adopted a voluntary programming principle stating "The use of violence for its own sake and the detailed dwelling upon brutality of physical agony by sight or sound should be avoided." This is a commendable first step, but there is no enforcement action.

Terry Rakolta, President of Americans for Responsible TV and a presidential appointee to the National Endowment for Children's Television at the Commerce Department, quotes startling figures on TV violence and requested Senator Simon and Congressman Dingell to sponsor legislation to reduce violence during children's viewing hours similar to statutes prohibiting indecency and obscenity. This would provide the FCC with enforcement authority to protect children from graphic violence, similar to indecency. Mrs. Rakolta quotes a recent study by the Annenberg School of Communications that finds that violence during children's viewing hours has reached a historic high of 32 acts of violence per hour. She quotes the study as finding, "By the time a child is 16, he or she will have seen 300,000 murders and 200,000 acts of violence on network TV. They will have watched 18,000 hours of television, compared to 11,000 hours of classroom work!" The Hollings bill, S. 1383, provides the safeguards for children that Mrs. Rakolta is requesting.

David S. Barry, TV and screen writer, in the January 1993 issue of The Journal stated "America is in the grip of an epidemic of violence so severe that homicide has become the second leading cause of death of all persons 15 to 24 years old. Auto crashes are the first. The U.S. Center for Disease Control considers violence a leading public health issue to be treated as an epidemic. The American Medical Association, the National Institute of Mental Health, the U.S. Surgeon General's office, the U.S. Center for Disease Control and the American Psychological Association have all concluded that study after study shows a direct causal link between screen violence and violent criminal behavior."

A 39-page research report released this year by APA, NIMH and the CDC, conducted by distinguished professors from Harvard University, University of Chicago and University of California, states that, contrary to the arguments of people in the television and motion picture industries, the major medical organizations are all in agreement on the effects of media violence. The data confirm that childhood watching of TV violence is directly related to criminally violent behavior later on.

David Levy, President of Wilshire Productions, Inc. and Executive Secretary of the Writers, directors, and Producers Caucus in Los Angeles, writes, "Sex and violence properly used and motivated are acceptable elements of drama. Exploitative violence and sex are unacceptable elements. Excessive sex and violence in any form are not m the public interest."

Today I am very worried and disturbed by the apparently proven effect that TV violence is having on our youth, and also on the way it desensitizes all members of our society to brutality, rape and murder. I remember reading an astounding figure from the National Council of the Churches of Christ, that during the period of the Viet Nam War, over 50,000 American military men lost their lives. But during the same period, 84,000 civilians were killed in the U.S. by firearms. What is the figure today, with more homicides than ever? Certainly this is not all caused by television, but TV, as the most influential and pervasive medium, is a contributing factor.

America's epidemic of violence in 1992 and 1993 must be brought under control. If responsible TV and cable executives and program producers do not take the lead, then Congress must. It is time to place the public good ahead of appealing to the lowest common denominator of society for profits. Government intervention in program content has bothersome First Amendment implications for me. But if the First Amendment conflicts with outrageous programs that can be justifiably charged with violating the public interest, then the public interest must prevail. Congress must decide what steps are appropriate. For example, there may well be merit in legislating time constraints to protect children from brutality, sadistic murder and rape, similar to time constraints on indecent programming that have been upheld by court decisions.

I believe that S. 1383, introduced by Chairman Hollings, constitutes the most practical legislative step toward accomplishing this goal, and should be enacted if self-regulation is ineffective. S. 1383 would require the FCC to promulgate regulations to prohibit any person from distributing—defined as "to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave or satellite"—to the public "any violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience, or to know-

ingly produce or provide material for such distribution." S. 1383 would, however, exempt premium and pay-per-view cable progamming, and properly allows the FCC to exempt news, documentaries, educational and sports programming. With S. 1383, the FCC is charged with the responsibility of defining appropriate hours and "violent video programming." In this regard, I would respectfully ask that Congress provide some direction to the FCC, either in amended legislative language or in the Conference Report, on the appropriate means for, and the factors that should be relied upon, when defining "violent video programming." Whatever the FCC does in this respect will undoubtedly be challenged in court, and legislative guidance would provide significant assistance in defending the agency's actions in implementing whatever Congress ultimately adopts. In addition, Congress may wish to consider additional enforcement mechanisms for program producers. While the proposed statutory language would also extend the prohibition to producers of programming, unless those producers are licensees the FCC would have no means of enforcing the statute against such entities.

S. 943, introduced by the distinguished Senator Durenberger, provides another possible legislative solution that could be defended against a First Amendment challenge. This bill would require the FCC to prescribe standards requiring video and audible warnings in connection with any programming which may contain violence or unsafe gun practices. This warning requirement would apply to television broadcast licensees and cable operators providing service under a franchise agreement, but it would not apply to programming broadcast between 11:00 pm and 6:00 am local time. While I believe that this proposal would certainly provide positive steps for addressing this public interest concern, I fear that it may be underinclusive with respect to the distribution entities covered. In the ever-changing world of video distribution, with new technologies and alliances developing every day, a limitation to broadcasters and franchised cable operators could leave significant regulatory gaps. And, for the same reasons I stated previously, legislative guidance on the appropriate means and factors for defining "violent programming" would be of enormous benefit to the FCC in implementing regulations and in defending them against the inevitable court challenge.

Finally, while I applaud the efforts of the distinguished Senator Dorgan in his proposal, S. 973, that would require the FCC to establish a program to evaluate and rate broadcast and major cable network programming with respect to the extent of violence contained in such programming, I have two significant concerns about this proposal. There is no question that publication of the type of information suggested by Senator Dorgan would be most helpful to parents who are concerned with the content of programming watched by their children. I am extremely concerned, however, about the First Amendment ramifications of having programming evaluated in this manner by a government agency. Moreover, I am also quite concerned about the administrative burden that quarterly reports of this nature would place on the already overburdened and understaffed Commission. All programs carried on all TV stations and cable channels throughout the entire country for one week every quarter represents an astounding amount of programming to be reviewed. And as we move to a 500-cable channel environment, the regulatory burden would be astonomical. For these reasons, regretfully I cannot endorse Senator Dorgan's well-meaning proposed legislation, inasmuch as it would require intrusive and extensive review and evaluation by the FCC.

I might respectfully suggest, however, as an alternative, the establishment of an independent organization, not controlled by the government, to provide such a report on the content of programming that parents could use. This might furnish a very appealing means of assisting parents in this troubling area. Such an approach would minimize government intrusion into content, but still provide parents with guidance on program content, particularly when so much programming is becoming increasingly available.

In summary, I believe that the public interest must be paramount, and the disturbing statistics and growing public complaints suggest that legislative action may well be required so long as voluntary action is not forthcoming. Thus, I support the efforts of this distinguished Committee to address what I believe to be a very serious and substantial social issue, and I assure you that the Commission will vigorously enforce whatever legislation is ultimately adopted.

Thank you.

PREPARED STATEMENT OF SENATOR HOLLINGS

I am pleased to chair this important hearing today in the Senate Commerce Committee on television violence. This Committee has a long history of concern about this issue.

The first hearings took place in the House in 1952, and Senator Estes Kefauver followed up with hearings in the Senate Judiciary Committee in 1954. After the urban riots in the 1960's, Senator Pastore held hearings in this Commerce Committee and petitioned the Surgeon General to investigate the effects of TV violence. However, the broadcast networks opposed any legislation, the then-FCC Chairman, Dean Burch, said that he opposed making programming judgments, and so nothing was done.

This Committee continued to hold hearings, hoping to bring pressure on the industry to regulate itself. The Committee held 3 days of hearings in 1969, one day in 1971, four days in 1972, three days in 1974, one day in 1976, three days in 1977, and one day in 1989. In all, this Committee has held 16 days of hearings on matters related to television violence since 1969.

Despite our best efforts, the amount of violence on television continues to grow. According to a study by George Gerbner at the University of Pennsylvania, there were a record 32 acts of violence on television per hour during children's shows in 1992. The American Psychological Association estimates that a typical child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school.

The most recent studies show that violence on television has a significant impact on children. The National Institute of Mental Health, the American Psychological Association, the American Academy of Pediatrics, and the Centers for Disease Control all conclude that violence on television breeds violent behavior.

Children are uniquely influenced by what they see on television. Let me give a few examples: in 1979, a stunt man put a noose around Johnny Carson's neck and dropped him through a trap door. Johnny emerged unharmed, but 4-year-old Nick deFilippo was found dead the next morning with a rope around his neck in front of a TV set tuned to NBC. The movie "The Deer Hunter", which contains scenes of prisoners of war playing Russian Roulette with a gun to their heads, was aired on network television. Afterwards, 26 people were found dead because of self-inflicted gunshot wounds to the head. Just last week, a five-year-old boy set fire to his home, killing his baby sister, after watching the TV characters "Beavis and Butt-head" describe fire as "cool".

Television should be a way to entertain, educate and teach our kids how to grow, not a way to teach them how to shoot to kill. Yet the homicide rate in this country grows and grows. Four times as many people are murdered in the U.S. as in Europe and eleven times as many as Japan.

The American public has had enough of Reagan era deregulation. For years we were told to let the market forces take care of protecting children. Television programmers will regulate themselves, we were told. So Congress passed the Television Violence Act of 1990, giving the television industry an antitrust exemption so they could adopt voluntary standards. What was the result?

The television industry agreed to place warning labels on their violent programs. Some believe that these warnings simply will encourage children to watch the shows labeled as violent. Others argue that warnings are ineffective because many children are unsupervised.

These actions are not enough. We can no longer rely on broadcasters to regulate themselves. It is time for Congress to act. Several efforts have recently been made to limit the growth of indecency on television. In 1990, Congress passed the Children's Television Act of 1990, which provided funding for children's programming, limited advertisements on children's shows, and directed the broadcasters to increase the amount of programming for children. That was a good step forward, but Congress needs to address the problem of violence directly.

That is why I introduced my bill to ban the showing of violent programs during hours when children are a substantial part of the audience. My bill treats violence like indecency. If indecent material cannot be shown on television, violence should not be shown, either. Other Members share my concern and have offered other legislative proposals.

Let me be clear. I am sensitive to the Constitutional requirements of the First Amendment. I understand the limitations about censorship, but we have got to protect our children. They are our most valuable national treasure, and their well-being is a compelling state interest. Congress must consider this issue carefully, and act with the least restrictive means, without trampling on the First Amendment.

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This hearing will explore the various proposals for dealing with this issue that have been presented to see what further action should be taken in this area. I thank all the witnesses for their appearance this morning and look forward to their testimony.

The CHAIRMAN. Let me yield now to my ranking member.

OPENING STATEMENT OF SENATOR DANFORTH

Senator DANFORTH. Mr. Chairman, this is a very worthwhile hearing. I am not exactly sure what we in Government should be doing about this situation or trying to do about this situation. It is clear to me, as a nonprofessional and nonpsychologist and nonsociologist, that a good part of what has gone wrong in this country is due to our mass media—the coarsening of America; the fact that not only are people shooting people, children are shooting children; the collapse of the American family; the constant parade of stories of sex offenses by teachers against children, and on and on it goes. And it really is a cultural problem in America. And the great, great creator of culture in this country is the mass media, and particularly the medium of television.

Even the most casual watcher of television knows that something has gone crazy. Just as an example, surfing the channels on Sunday night to find the World Series, a word which is just not said in polite society, at about 8 or 8:30 at night, there it was on cable television.

The violence, the sex, the general sleaziness both of broadcast and cable television is really an outrage, and it is more than just something that shocks the basic sensitivities of people. I am absolutely convinced that it causes a major problem in the way we treat one another as Americans.

I would think that the people who are in this so-called industry, broadcast television, cable television, I would think they would be ashamed of themselves. And maybe that is the most important thing that we can help do. Maybe there is not any legislation. Maybe there should not be any legislation. Clearly the first amendment is absolutely essential. But at least maybe there should be some sense of shame.

I must say, I do not see it. The little I watch television, my basic impression is that whether it is the movie business or the television business, or one form of entertainment or another, they are in the constant process of hosting black-tie award ceremonies for themselves where they honor themselves for what wonderful jobs they are doing and what wonderful benefits they are to this country.

I think somebody should sponsor a sleaze award ceremony where people show up, not in black ties but in coveralls, dressed as garbage men, and they recognize what is really going on in the medium of television. I am not sure that that is particularly a governmental enterprise, but I think somebody should do it. In any event——

The CHAIRMAN. You have not been watching MTV. They do wear overalls and garbage.

Senator DANFORTH. Well, then there is hope. In any event, Mr. Chairman, I am pleased you are holding this hearing. I think that

focusing attention on this sickness that is so pervasive in our society is a worthwhile thing to do.

The CHAIRMAN. Senator Exon.

OPENING STATEMENT OF SENATOR EXON

Senator EXON. Mr. Chairman, I will ask unanimous consent that the full contents of my statement this morning be entered into the record.

I will take 1 minute, if I might. I certainly want to congratulate you in calling this most important and extremely timely hearing. I have listened and endorsed and associated myself with the remarks of both you and Senator Danforth.

It seems to me, Mr. Chairman, that America faces a very serious crisis for a number of complex reasons. The moral code, the rules of decent behavior, the Ten Commandments if you will, are simply not being effectively passed down from generation to generation.

The traditional source of moral authority, the family, is being overwhelmed and overruled by the electronic emperors which decree what is right and wrong, and what is decent, and what is normal. I am not convinced that we or the majority of the people that we represent here have the dedication and the courage to do something about this, but I think the time has long since passed and we should try again.

I would ask that the rest of my statement be included in the record.

[The prepared statement of Senator Exon follows:]

PREPARED STATEMENT OF SENATOR EXON

Mr. Chairman, I congratulate you on calling a most important and timely hearing.

America faces a serious crisis. For a number of complex reasons, the moral code—the rules of decent behavior—the Ten Commandments—if you will—are simply not being effectively passed down from generation to generation. The traditional sources of moral authority—the family, the church, the community—are being overwhelmed and overruled by electronic emperors which decree what is right and wrong and what is decent and normal. I am not convinced we or the majority we represent have the determination or the will to do something but the time has long since passed for us to not try again.

The basic premise of commercial television is that viewers will be influenced by 30 and 60 second messages to take money out of their pockets to buy products and services which are advertised. It should be no surprise that a nation is influenced by years of 30 and 60 minute programs which advertise lust, violence and vulgarity.

I remember a time before there was television. I also remember a golden age of television—when Jack Benny, Desi and Lucy, Milton Berle, Edward R. Murrow and Arturo Toscanini captivated the nation without stooping to the sensational trash of the modern era.

Broadcasters once had strong "standards and practices" departments. The industry once policed itself through the television code.

Restoring that restraint, either voluntarily, through public pressure or, if necessary, through legislation will not be a panacea, but it will be a much needed start.

As the nation stands on the edge of an information revolution, where households will gain access to as many as 500 channels of programming at any given time, not only must broadcasters and cable programmers exercise restraint and responsibility, parents must also take stock of their duties and assert control of their households.

I suspect that in the heat of debate, broadcasters may be unfairly tagged with the sins of other members of the "entertainment industry." To their credit, in recent years some broadcast networks have heard the public and have tamed some of their programming, especially during children's viewing hours.

Unfortunately, at the same time, in the quest for ratings, some broadcasters have again tested the boundaries during the so-called "adult" hour, which in my part of the country falls between the relatively early hours of nine and ten pm. And sadly, on the cable side of the TV dial, there has been very little self restraint.

Mr. Chairman, I look forward to the testimony of today's witnesses and the dialogue which will follow.
Thank you Mr. Chairman.

The CHAIRMAN. Thank you very much. Senator Burns.

OPENING STATEMENT OF SENATOR BURNS

Senator BURNS. Thank you, Mr. Chairman. I want to thank you for holding these hearings today. And I think all we have to do—I do not get to watch too much prime time television any more, but I get letters from my constituents that do, and they too are concerned about what we are seeing on our TV screens and other media.

If one wants to really look at violence on television, I do not think you have to just separate out network programming during prime time. Take a look a your local TV news broadcasts in the evening. You will see all the violence you want to see right there. Maybe that will hold you for the rest of the day.

The concern about this is not new. In fact, there were hearings in 1952 by the House of Representatives. There were also Senate hearings in 1954. There were some concerns then. The American people were alarmed by the spread of violence and asked Congress to take some decisive steps that may reclaim their neighborhoods and their communities.

Yet many of the factors that lead to violence, the shortage of police officers, the inadequate prison space, drug use, poverty, the breakdown of the family do not lend themselves to ready solutions.

For many, regulating television violence offers lawmakers a response to constituents' concerns that requires no new spending and no ideological divisions. It can become very populist.

There are no new simple solutions to this complex problem. The American people know and understand this. As a result, as easy as it might be and as politically attractive as it might appear, I do not intend to jump on the bandwagon. I intend to be the voice of moderation and reason in talking about constructive alternatives as this debate moves forward.

While I will take a back seat to no one in this body when it comes to supporting tough, effective proposals to deal with violence in our society, I am troubled by the bills before this committee today. When I went in the broadcast business it was very simple to go into farm broadcast. We do not have to fiddle around with that.

But TV violence legislation before this committee poses dangers to free expression either directly or by requiring Government to censor, regulate, or burden the content of TV broadcasting, or indirectly by making broadcasters more vulnerable to private boycotts that seek to drive controversial programming from the airwaves.

I have the same feeling about this violence on television as my ranking member, Senator Danforth from Missouri. He makes a very, very strong case. But I think it is the broadcasters' and the programmers' responsibility to take a look a what they are doing and the effects or possible effects they have on our society. And they, along with the rest of society, have to shoulder some of that responsibility.

Even accepting the argument that TV violence causes violent conduct, censorship is the wrong solution in a democratic society. Censorship always creates more problems than it solves. So, we must work together—the media, the community, parents, and Government, in taking responsibility for this problem.

An alternative solution, a technical solution, involves empowering parents and families to make responsible viewing decisions. We have the technology to do it. A parental empowerment solution can be achieved by requiring a blocking device that works on a program-by-program basis. This should be distinguished from Chairman Markey's proposal, which would permit blocking on an across-the-board basis.

This program-by-program blocking approach would work in manner similar to which VCR Plus technology, through a simple 3-digit code that can be programmed to record a specific program.

We can talk about all the technological solutions, but I think it is time for the American people—and when I say American people it involves both media, programmers, and parents. All of us have to shoulder some responsibility for what is happening in programming. We have to go back and reevaluate our values.

So, Mr. Chairman, I think this is a timely subject and I appreciate these hearings. But I think we have to take the road of saneness whenever we approach this thing regarding this society and how it wants to live.

Thank you.

The CHAIRMAN. Thank you. Senator Dorgan.

OPENING STATEMENT OF SENATOR DORGAN

Senator DORGAN. Mr. Chairman, I introduced a piece of legislation on television violence last May. Shortly after I introduced it, I was visited on the subject of health care by a pediatrician in my office. We were not talking about television violence, but I said how have things changed for a pediatrician? Well, he said, we see different kinds of injuries these days with young children. And I said, tell me about it.

Oh, he said, the other day a 4-year-old comes in who has been mashed across the side of the head by a baseball bat. The neighbor kid, age 4, is watching Teenage Mutant Ninja Turtles, comes outside to play with the 4-year-old neighbor boy, and does not distinguish between fantasy and reality and takes the baseball bat and swipes the neighbor boy across the head.

It reminded me, when he told me that, of something I had read in the Christian Science Monitor. Let me read it for you. This is from the person that sells Teenage Mutant Ninja Turtles. "At home, we do not get many objections to violence in our shows," she says. "Americans are kind of used to it. But abroad, it is a very different story. The BBC in Britain would not buy the Turtles unless they could edit out some of the violence. It is that version that we sold the rest of the world. Otherwise, the Turtles would not have done nearly as well."

Shame on us if we show more violent versions of cartoon shows or other shows in this country, show more violent versions to our children than other children in the rest of the world are shown. And that underscores and demonstrates the problem.

Let me say, Mr. Danforth, your statement, I thought, was eloquent and right on point. Television is not the cause of all of our problems, but television is a habit. One student of the industry called it a plug-in drug. It is especially a habit where children are concerned. And television violence is an addiction, too. And, like addictions, it is both an addiction for the audience that watches it and the television executives who produce it. And it takes constantly higher doses to achieve the same effect.

Now, we do not break addictions like this with earnest resolutions or spasms of high-level concern. We have had those in the past. The only way to break a bad habit is to establish a better habit. We have to build and reinforce in the information structure in our society cultural warning lights that flash us when we have broadcasts and programming that comes in to pollute our living rooms.

Now, I have suggested, Mr. Chairman, that we have a television violence report card published once each quarter by the Federal Communications Commission. In effect, Mr. Danforth suggested an award show, an award show for those who produce the worst. You could not have an award show at this point, because we do not know who they are. We do not know who they are, and we do not know who sponsors them.

My proposal would at least establish a criteria for your award show, and we would understand what are the most violent shows in this country and who is producing them.

Let me make one final comment.

Providing information to people with which to use to make their views known is democracy from the bottom up. We plug grocery store aisles these days looking at the sides of cans and boxes to find out how much fat and sodium is there. We gave people information and they use it. I can give you example after example of that happening.

I would like to see an executive in some business in this country take a look at a listing that says my company sponsored the most violent programming in this country. They would darn sure tell the people who are doing their buying, I want off that list, and quick.

And that is my suggestion. I support other suggestions that are offered today, Mr. Chairman, but I want to commend you for holding this hearing. This is a very important subject. And I hope that we will make some progress in responding to what I think is an important issue in this country.

The CHAIRMAN. Very good. Senator Kerry.

OPENING STATEMENT OF SENATOR KERRY

Senator KERRY. Thank you very much, Mr. Chairman.

I also want to thank you for having this hearing, which I think is both timely and obviously very important.

The other day I woke up in Boston to the news, to one of our major channels. And the first, this is the lead sort of news show in the morning, and the first news item was a murder in southeastern Massachusetts. I am in Boston. The next news item was a fire somewhere well out of the Boston area. The third news item was another murder. And the fourth news item was a murder in an-

other State. It happened to be a triple-murder, so it was particularly attractive.

Then we finally had some news about the economy, a major story on what had happened with the President in terms of the economy, the trade deficit, et cetera. And I guess, you know, it is just one more example of the way in which the news media are playing to their sense that this is what people want to watch. And we get caught in this vicious cycle. The news directors, the programmers, everybody feels, gee, if we are not competitive with our level of violence we are not going to make the ratings, or I am going to get fired. And so there is nobody breaking that cycle of profit.

Now, we often hear, and it will be part of this debate, that, you know, art imitates life, not life imitating art. And that is a debate that has gone on for a long time. But the fact is that we have learned—there have been over 1,000 studies, and I am not sure there are many people legitimately contesting any longer the notion that there is a linkage between violence on television, the violence people see, and the way some people choose to behave.

I remember as a young kid I had nightmares over the Wizard of Oz, the witch. I mean, kids do not have nightmares any more over that kind of thing. They see so much violence now that they are inured to the capacity for that. They do not separate reality and fantasy. And for too many of our kids in this country, they are being brought up without parents, 11 percent; or with only a single parent in the inner city, 80 percent, 75 percent in many communities in America, and it was only 27 percent 20 years ago.

If you look at the level of violence curve in this country, you take those kids, in 1965, when Pat Moynihan talked about what was happening in the inner city, those kids became 15 in 1980, and you could see what happened to 15-year-olds in this country and the level of violence and crime.

In 1975, the level of unwed parents giving birth, and kids therefore living without families and watching television as the narcotic, as the babysitter, went up to 50 percent. And those kids became 15 and 16 in 1990. And you can see what happened to the youth curve of violence in 1990.

Today, it is 75 and 80 percent in most of the inner cities of the United States of America. And those kids are going to turn 15 and 16 in the year 2000, 2005 or somewhere. And I can tell you, watching television, which is their narcotic today, listening to rap music that encourages the murder of cops and other things, we are going to inherit what we are marketing.

Now, leave aside the question of whether or not there is a linkage. I think there is, and I think most people of common sense believe there is. Still, ask yourself, Is this the best that a civilized society has to offer for entertainment, people putting guns to people's heads and blowing their brains out? It is extraordinary. I mean, for a civilized society to pretend that even if there is not a linkage, this is what we want to do, is mindboggling.

Now, I am not here today to suggest that the media is responsible for all of this. It is not. And we better understand that and react to it. The Attorney General will be coming on shortly. I read yesterday's newspaper on this new drug program; we are shifting

to treatment and education, which is a good move. We should have done it long ago. But there are no resources being added.

And there is a degree to which art is imitating life. This began in the 1960's or earlier. And people began to reflect what was happening in drug-infested communities, and the increase of the use of guns. And then it kind of caught on more. But we did not respond. Congress did not do anything. The country did not do anything.

The fact is that in America today, we have got too many communities where you have a drug-ridden reality, a reality in which institutions of civilized life have literally broken down and we have turned on backs on them—schools that have no money, boys and girls clubs that have closed. You can run down the list. Storefronts that are boarded up because businesses will not move there. And we have done precious little about it.

Now, we have an Attorney General coming before us today who will share with us the fact that 83 percent of all Americans are going to be the victims of a violent crime at some point in their life—83 percent. That is an absolutely extraordinary figure. And yet, we have fewer police on the street today than we did 15 years ago, 20 years ago.

So, Mr. Chairman, we are not responding either, in terms of this. Now, the truth is that despite all of that picture of crime, we have never had kids in this country before who talk matter of factly about blowing each other away. We have literally never had a country where guns are as common and kids talk about them—I mean, you know you can go in any of these cities and talk to these kids, they will tell you about guns as matter of factly as they would of a childhood story 20 years ago or so.

So, television is the great communicator. It has to be an agent of the change, along with us. And it has to be responsible. And I will say, Mr. Chairman, that I have seen the industry standards for the depiction of violence in television programs. And let me just quote them. The standards say depictions of violence may not be used to shock or stimulate the audience. These standards state that "scenes showing excessive gore, pain, or physical suffering are not acceptable." And the standards state that gratuitous or excess depictions of violence are not acceptable.

I mean, these are just words without any meaning. There is no application of these standards.

Now, either the industry has a different meaning of the words or they just want to ignore them.

Now, I am not sure, Mr. Chairman, whose proposal is best. Because we are all sensitive to the first amendment. But we do regulate the airwaves. We license these stations. And there must be some method by which we can establish a standard that is held up to public accountability.

I think Senator Dorgan's concept is one that is perhaps the most acceptable in the context of the first amendment. I would suggest that we ought to be hauling some of these executives in here, and we ought to play some of the footage on television on a monitor in here, and then we ought to ask them why, as the chief executive officer or chairman of the board of directors, they are sponsoring and spending millions of dollars for this trash.

And we ought to do a stronger role of accountability as well. But it is clear to all of us that television has to be part of the response, just as we have to be a better part of the response. And it is my hope that in the next week, with the crime bill, we will do our part to do that. And it is my hope that out of this the industry will do a better job of making those words more meaningful.

Thank you.

The CHAIRMAN. Good. Senator Gorton.

OPENING STATEMENT OF SENATOR GORTON

Senator GORTON. Mr. Chairman, it seems to me that in the course of this hearing and the days which follow it we will have three or perhaps four distinct questions to answer as policymakers. The first, obviously, is to deal with the relationship between violence on television and violence in our society.

In some respects, the debate over this issue seems to me to bear a strong resemblance to the artificiality of the debate over whether or not cigarettes are bad for one's health. It still seems possible for those with a vested interest in the question to come up with studies that show no relationship between violence on television. But the overwhelming weight of the evidence is that relationship is very clear and very serious.

Simply, perhaps, on a parochial basis, I note in our memorandum a study by a psychiatrist from the University of Washington who, dealing with isolated areas in South Africa and in Canada, without television, set up a matrix as to how long after violence on television was available to viewers it took before there was a major change in the way in which people related to one another. His conclusion is that 10,000 murders a year in the United States are due to violence on television.

That may be at the extreme end of those studies, but it is certainly a shocking and a sobering statistic.

In any event, assuming that we, as Members of the U.S. Senate, reach the conclusion that there is a significant relationship between violence and television, we approach the second, and I suspect in many ways the most difficult of those questions. And that is what are the constitutional parameters surrounding any actions that we may take?

We can, of course, work with the television networks, with the independents, with the cable producers and the like, toward some kind of voluntary rules in this respect. And as a result of Senator Simon's successful bill of a couple of years ago, there has been at least modest progress in that direction and it should not be ignored.

But, as policysetters, we do have to determine, I think, whether or not we have a role, whether the Constitution grants us a role in dealing with the question of the seriousness which each person here has described eloquently. I particularly was impressed with what Senator Kerry had to say on the subject.

And then, to the extent that we find that there is some area within which we can operate, consistent with the Constitution, what kinds of legislation are likely to be effective at all, or most effective, in that matter?

These are difficult questions, each of these four. They are very, very difficult ones. But the nature of the problem is so overwhelming that it seems to me that it is our duty, very carefully and very soberly, to examine them, and to see whether or not we can make a contribution to a reduction of violence in the country as a whole. Dealing with television, of course, is only a means to that end. But if we, by acting constitutionally in this field, can significantly reduce violence in the Nation as a whole, we will have provided a service for our constituents as great as any which this distinguished committee has ever provided.

The CHAIRMAN. Very good. Senator Hutchison.

OPENING STATEMENT OF SENATOR HUTCHISON

Senator HUTCHISON. Thank you, Mr. Chairman.

I just want to reiterate what my colleagues have said. I am here because I think we have a huge problem in this country with violence against women, violence against children, violence in general in our television, in our movies, and I would like to do something about it.

I do not know what is right. I mean, obviously we have first amendment rights that must be protected, but I hope that because we are having this hearing and asking for advice, asking for expert testimony, that we will find a way to do something that requires it.

But in the event that we do not, that we cannot find that path that will make the requirements that will make a difference, I do hope that the people in the industry will hear what we are saying, hear what the American people are saying, and take steps voluntarily to curb the violence that clearly is affecting what our children grow up thinking is normal behavior, or fun behavior, or exciting behavior.

If they will do it voluntarily, that would be the best of all worlds, and I would just urge our movie industry, our television industry, to seriously look at this issue and try to do something about it immediately without our intervention.

I thank you for holding the hearings. I thank you for saying that this is such an important effort that we make in the U.S. Senate, and I hope that good comes from it.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Pressler.

OPENING STATEMENT OF SENATOR PRESSLER

Senator PRESSLER. Mr. Chairman, I shall place my prepared statement in the record. I also would add that there is a responsibility to show real life as it is on TV. I certainly am not for violence on TV. I would like to see less of it, but I suppose the people who make these programs have some responsibility to show American life as it is. Parents also have responsibilities. Blame cannot be passed to someone else in all cases.

Also, I would say that we all vote every time we go to a movie. It seems the movies that are most violent have the most people going to them. There is individual responsibility taken when someone patronizes those movies that do not have so much violence. There is individual responsibility to be taken by parents. We can

all point fingers of blame at somebody else, but we vote with our feet every time we go to a movie. We vote every time we turn on a TV channel or make a choice.

I hope that this point of view also is considered. Individual responsibility in this country can address this problem. I ask unanimous consent to place the rest of my statement in the record.

[The prepared statement of Senator Pressler follows:]

PREPARED STATEMENT OF SENATOR PRESSLER

Mr. Chairman, thank you for holding today's hearings on an extremely important issue: violence on television. Concern with violence on television has escalated with this nation's increasing crime rate. In 1992, 1.9 million violent crimes were reported to law enforcement officials—a rate of 758 incidents for every 100,000 U.S. inhabitants. The murder rate in 1992 was nine per 100,000 inhabitants, quadruple Europe's rate and 11 times that of Japan. The most sensational crimes are likely to be dramatized and replayed in living rooms and movie theaters across this country.

It seems inevitable that we would try to search for an explanation for violence in our society by examining our culture. Of all the wondrous inventions of the twentieth century, television is undoubtedly the most pervasive, reaching deep into the lives of its viewers. More homes in America have televisions than have indoor plumbing. The average American household watches television nearly eight and one-half hours per day. About half of all children age six and over have a television set in their bedrooms. Few will deny the impact TV has on all of our lives, especially on our children. More than a generation of Americans have grown up with TV as their friend, teacher, and surrogate parent. Its power to influence behavior, positive or negative, must be explored.

It is true that many programs entertain and inform us without resorting to gratuitous violence. But all too often, violence is the method by which messages are made. Daily we are barraged with portrayals of violence disguised as solutions to the dilemmas faced by television characters. How many times do programs end with characters shooting their way out of a situation? All of us watch such shows far too casually at night, then are shocked to read in the morning about the unbelievable crimes committed throughout the country.

Is there a connection? Decades of study have convinced a wide variety of researchers that watching violent programming is linked to aggressive attitudes and behavior. Public opinion polls indicate many Americans share this view. The television industry has taken a number of steps to limit depictions of gratuitous or excessive violence. Are these voluntary efforts enough? I don't know. But the potential impact of programming on the minds of impressionable young children require us to seek answers and solutions to this perplexing question.

Mr. Chairman, as the Committee struggles with this issue, I urge all my colleagues to evaluate proposed regulatory solutions in today's multimedia marketplace. A number of legislative proposals have been drafted carefully to avoid constitutional problems. However, they generally rely on the Federal Communication Commission's authority to regulate broadcasting—and to a lesser degree, cable television. Every day we hear about another multi-billion dollar merger promising to bring hundreds of television channels over the information superhighway. The most recent is Bell Atlantic's proposed $33 billion acquisition of TCI. Given the proliferation of media outlets, regulation could burden some segments of the industry and do little or nothing to change the overall media landscape and the exposure of violence to young Americans.

The CHAIRMAN. Senator Danforth.

Senator DANFORTH. Mr. Chairman, Senator McCain had intended to be here this morning, but he has a conflict. He is chairing the Indian Affairs Committee, and I ask that his statement be incorporated in the record.

The CHAIRMAN. It will be so included.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT OF SENATOR MCCAIN

Mr. Chairman, I am very pleased that the Committee is holding hearings at this time on this important subject.

Recent events reported by the media—the unfortunate fire in Ohio which resulted in the death of one child and copycat acts from the movie The Program—have highlighted the potential effect the media has on our youth. Something must be done, and it must be done before we read of yet more tragedy.

We live in the television age. The impact of television on our society cannot be underestimated.

As the father of four small children, I am keenly aware of the lack of quality programming on television and the abundance of violent programming. To be blunt, Mr. Chairman, there is precious little for my children to watch on television. This is very disturbing.

The networks and many independent television stations have made strides to curb the violence on TV. Their extensive, voluntary use of parental notifications and warnings are a good first step in the right direction. I applaud their efforts.

But, Mr. Chairman, if television networks do nothing, or in any way discount the seriousness of this issue, the American public will demand the Congress act, and it is my prediction that the congress will act, and that it will act swiftly and decisively. If the networks do not voluntarily improve programming and reduce acts of violence on T.V., the Congress will mandate what you can and cannot show.

I also want to take this opportunity to point out that none of the legislation before the Committee at this time fully addresses the issue of programming on cable. Cable television programming must be included in any action this Committee takes and I intend to ensure that cable television be a focus of this Committee.

Mr. Chairman, additionally, I have grave concerns regarding the Constitutionality of the bills before the Committee at this time. I strongly object to Congressional micromanagement and regulation of TV programming. In my opinion, it is unconstitutional and violates the first amendment. I would hope that the Committee would be very cognizant of constitutional concerns as it debates this issue.

I want to remind my colleagues and members of the broadcast industry again, if decisive action is not taken to address this issue, then the public will correctly compel the Congress to act. It has been reported that former Federal Communications Chairman Richard Wiley told network executives: "You will come up with something voluntary, or we'll make you." This hearing is the beginning. Unless television programmers heed the public's desire that TV violence be curbed, the steamroller of regulatory legislation will not be far behind.

Again, I thank the Chairman for holding this hearing at this time and I look forward to hearing from today's witnesses.

The CHAIRMAN. We have some very important colleagues, particularly Senator Simon, who has been leading the way on this score. Let me recognize them in their order of appearance, and as you can see with over a dozen witnesses, we will ask you to limit yourselves, if you will. Your full statements will be included. Senator Durenberger.

STATEMENT OF HON. DAVE DURENBERGER, U.S. SENATOR FROM MINNESOTA

Senator DURENBERGER. Chairman Hollings and Senator Danforth, members of the committee, I want to thank you for holding this hearing and for asking me to testify today. This committee must be commended for continuing to press ahead to address this very real problem.

You are the leaders. We are just here to help you and to indicate our responsiveness to the leadership that you have shown over the years. Mr. Chairman, you are recognized for your leadership in this area, and I thank you for laying out the chronology of the TV violence issue earlier in the hearing.

Everyone is right in saying that it was 40 years ago that Congress held its first hearing on television violence. It was 20 years ago that the Surgeon General of the United States issued a report warning of the impact that TV violence has on our society.

This past summer, the networks and some cable operators finally acknowledged that TV violence does affect viewers, especially chil-

dren, and so we are grateful for that belated recognition. I am also grateful that some in the industry voluntarily placed warning labels on violent programming. But I am here because, as you, I believe that much more needs to be done, and I believe the time for action is now.

The bill that I introduced earlier this year, the Children's Television Violence Protection Act, S. 943, would require the television industry to notify viewers, through TV guides and on-screen warning labels, that certain programming may contain violence or unsafe gun practices and may adversely affect the mental or physical health of their children.

As our colleagues, Senator Danforth and Senator Kerry reminded us earlier, we are not really sure of the Government's role here. We cannot hold a broadcast industry solely responsible for creating the problem. As consumers, as purchasers, and as parents, and as community leaders, we are all, in part, responsible for this situation.

Unlike other bills before this committee, the Children's TV Violence Protection Act is aimed to try to get everyone to take some share of the responsibility. It is not intended to rid the airwaves of violent programming, nor to dictate to the TV industry that certain types of programming should not be made or shown during certain times. It does not empower the Federal Government to scrutinize program content or to establish a Government-run national ratings system.

Instead, by providing the information necessary to make informed decisions, my bill empowers parents and other responsible persons to make responsible choices about the programming that children are watching. It puts the power to make responsible choices where it belongs—in the home.

Under President Clinton's leadership, we have just begun a major overhaul of our Nation's health care system. Later this week or next, we will consider a multimillion dollar crime bill designed in large part to address the growing plague of violence gripping our Nation. But there is no provision in the crime bill, nor in any of the health care reform packages, that deals directly with televised violence. Yet nearly everyone who has spoken today, and everyone who has spoken to each of us among our constituencies, tells us that violence is the No. 1 public health problem in America today.

Someone earlier mentioned—our colleague, Senator Moynihan—how he began to warn us of the social condition of the country in 1965. Yesterday in the Senate Finance Committee, Dr. Louis Sullivan and others talked to us about the problems that social conditions in America contribute to the cost of health and medical care. In effect, they said, we could provide health insurance for everybody in America, but if we do not deal with the kinds of problems that each of you has spoken to this morning, we do not solve the Nation's health problems.

In 1990, we passed legislation granting the cable and broadcast industries an antitrust exemption so that they could work together to combat TV violence, and the man most responsible for that, I guess, is on my right—Senator Simon. I respect the tireless efforts of my friend and colleague, Paul Simon, in engineering passage of that legislation, but after 3 full years, the only thing the television

industry has to show is an ad hoc voluntary labeling system, a high-profile, high-gloss, hand-holding session in Los Angeles.

As my colleague from Montana says, let us give some responsibility to the broadcasters and the programmers. I think we have, and I think the evidence is that there is little or no progress on a voluntary rating system. There has been little or no progress on a self-assessment system. There has been little or no progress toward actually reducing the amount of violence shown on TV. There is no evidence that the industry has taken affirmative steps to show people dealing with their anger and frustrations on TV in a constructive, rather than a violent and a destructive, manner. Mr. Chairman, the industry has had 3 years.

The problem largely is that there are no rewards for voluntary responsibility in a competitive system like the industry is today. My colleague from North Dakota said it well. The only way to break a bad habit is to establish a good one. The time for talk is over. This is the time for action.

I have never said that television is the only cause of violence in our society, nor has anyone here, but television is a cause, and that fact is now indisputable. TV has contributed and continues to contribute to the real violence in American society in a very real way, and I am here to help you, Mr. Chairman, and every one of you who has the responsibility for leading us toward a solution to the problem to fashion legislation that builds a partnership with parents and with the industry and deals with this problem effectively.

Thank you for the opportunity to be here.

[The prepared statement of Senator Durenberger follows:]

PREPARED STATEMENT OF SENATOR DURENBERGER

Chairman Hollings, Senator Danforth, members of the committee—I want to thank you for holding this important hearing and for asking me to testify before you today. This committee should be commended for continuing to press ahead to address the very real problem of television violence.

Mr. Chairman, 40 years ago Congress held its first hearing on television violence. Twenty years ago, the U.S. Surgeon General issued a report warning of the impact of TV violence has on our society. This past summer, the networks and some cable operators finally acknowledged that TV does affect viewers, and especially children.

I am grateful for that belated recognition. I am also grateful that some of the industry voluntarily placed warning labels on violent programming.

But I believe that much more needs to be done.

And I believe that the time for action is now.

The bill I introduced earlier this year, the Children's Television Violence Protection Act, S. 943, would require the television industry to notify viewers—through TV guides and on-screen warning labels—that certain programming may contain violence or unsafe gun practices, and may adversely affect the mental or physical health of their children.

Unlike other bills before this committee, the Children's TV Violence Protection act is not intended to rid the airwaves of violent programming, nor to dictate to the TV industry that certain types of programming should not be made or shown during certain times. It does not empower the Federal Government to scrutinize program content or to establish a Government-run national rating system.

Instead, by providing the information necessary to make informed decisions, my bill empowers parents to make responsible choices about the programming they want their kids to watch.

It puts the power to make responsible choices where it belongs—in the home.

Under President Clinton's leadership, we have just begun a major overhaul of our Nation's health care system. Later this week, or next, we will consider a multibillion dollar crime bill designed in large part to address the growing plague of violence gripping our Nation.

There is no provision in the crime bill, nor in any of the health care reform packages, that deals directly with televised violence.

Yet nearly everyone I've spoken with tells me that violence is the No. 1 public health problem in America today. Two days ago, Dr. Louis Sullivan said so again in his testimony during the Finance Committee's hearing on "social choices and medical consequences."

As so often pointed out by our colleague, Senator Moynihan, the violence that surrounds us—including TV violence—has contributed to increased violence in our society.

In 19910, we passed legislation granting the cable and broadcast industries an antitrust exemption so they could work together to combat TV violence.

I respect the tireless efforts of my friend and colleague Paul Simon in engineering passage of that legislation.

But after 3 full years, the only thing the television industry has to show is an ad hoc voluntary labeling system and a high-profile, high-gloss hand-holding session in Los Angeles.

There has been little or no progress on a voluntary rating system.

There has been little or no progress on a self-assessment system.

There has been little or no progress toward actually reducing the amount of violence shown on TV.

There is absolutely no evidence that the television industry has taken affirmative steps to show people dealing with their anger and frustrations on TV in a constructive, rather than a violent and destructive, manner.

Three years! And we all thought that Congress took a long time to act.

The time for talk is over. Now is the time for action.

I have never said that television is the only cause of violence in our society. But television is a cause. That fact is now indisputable. It has contributed, and continues to contribute, to the real violence in American society in a very real way.

I look forward to working with you, Mr. Chairman, and the members of this committee to fashion legislation that builds a partnership with parents, and deals with this problem effectively.

Thank you.

The CHAIRMAN. Thank you, Senator. Senator Levin.

STATEMENT OF HON. CARL LEVIN, U.S. SENATOR FROM MICHIGAN

Senator LEVIN. Mr. Chairman, thank you and the members of the committee for inviting us to testify. I particularly want to thank Senator Simon also for his leadership and continuing efforts which have borne some fruit so far, but I want to focus on one narrow aspect of this problem, and that is the subject matter of my legislation, which is Senate bill 1556.

The narrow aspect that I focus on is violent promotional spots and commercials that are shown at inappropriate times, particularly during family viewing hours. Now, a number of you have made reference to choice and parental responsibility, and I think there is some parental responsibility and there should be some choice, and believe it or not, there are millions of parents out there who exercise that choice and try to prevent their children from seeing violent shows—not enough parents yet, but there are millions of parents who want to exercise that responsibility and that choice.

The problem is parents turn on the Cosby Show, that is all right, but then in the middle of that show is a violent promotion for another show, or a violent commercial, and as hard as they try to control the violence that their children see, they are caught unawares. They are frustrated when suddenly that type of promotion or commercial appears during family viewing hours.

Let me give you a couple of examples. An add for the movie, "The Mobsters," appears during the Cosby Show. This depicts a man begging for his life from a man who is pointing a gun at him and

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then the man is killed in cold blood. During Sunday afternoon family hours, there is a commercial which describes a TV program which is going to have the following: a teacher seducing her pupil, getting her pupil to kill her husband, and one part of that promo shows a terror-stricken man with a large knife at his throat begging for his life.

Now, these are not subtle ads. These are graphic, violent ads in the middle of a family show. I want to give parents that choice, too. I want to empower parents, too, but if a parent tries hard to control what a child sees and then is unexpectedly confronted with this, you cannot turn that commercial off. You cannot move that fast.

Now, the industry has adopted some standards. The enforcement mechanism for those standards are viewers' complaints at the moment. That is all we have got to enforce it, really, are viewers' complaints, unless the industry is going to police itself, which it surely has not done.

In order for a viewer to complain effectively they have got to have a copy of the violent promotion, or the commercial to complain about. They need the evidence. They have got to be able to show it to a network, to us, to their station. We have instances where people have tried to get copies of the commercial to complain about, but because there is no requirement that the stations maintain those commercials, parents are frustrated in their efforts if they want to complain about a violation of those standards.

Now, this is a small part of a big problem, but it is a part which is clearly constitutional. I believe my proposal has no first amendment problems whatsoever. It simply would require stations to maintain for 30 days commercials and promotions for programming so that if someone wants to come in and pay a small fee to get a copy, they can complain to the FCC or complain to the station or complain to the network and they will have the evidence to do so.

This is a growing problem. The U.S. News and World Report has an article about violent commercials and promotions. I would ask, Mr. Chairman, that a copy of that article from U.S. News be inserted in the record.

The CHAIRMAN. That will be included.

Senator LEVIN. Finally, Mr. Chairman, I think all of us recognize the complexity of this issue. I am sickened, as all of us are, by the amount of violence on television. I believe there is a relationship to violence in our society. That is my own belief, and I would like to do as much as we can constitutionally to control it.

But whether or not my belief is the majority belief or not, or whether or not we can constitutionally restrict as much as we like, surely we can empower parents who make the effort to control the amount of violence that their children see, to give them evidence of unexpected violent commercials and promotional spots so that they can complain with the evidence in hand.

Again a small part, surely not a silver bullet, but at least a sign that we are going to help parents to exercise the kind of parental responsibility that all of us want to encourage.

In a bill I introduced about a year ago, I tried to get the networks and the stations to do this voluntarily. They have so far refused. FCC has not even answered our letters on this, because they could do this by regulation if they chose to do so.

We are going to keep pressing for an answer from the FCC, because they could do it, again, by regulation. In the meantime, I think this is a small step but an important step that we can take to empower parents who want to control the level of violence that their children see.

I thank you, Mr. Chairman.

[The prepared statement of Senator Levin follows:]

PREPARED STATEMENT OF SENATOR LEVIN

I appreciate the opportunity to testify at this hearing on television violence, in particular regarding my legislation to give parents and viewers offended by violent television commercials a better opportunity to register their complaints. I am pleased to appear with my colleagues who, using different approaches, are active in the effort to curb the level of violence brought into our homes through television. I am especially pleased that Attorney General Reno is also testifying today. Her opinion and insight on this important issue will be very useful.

Excessive violence in all facets of the entertainment industry is a deeply disturbing trend. Violence in television programming is particularly troubling, because television is so accessible to children. There is no other medium that is such a constant presence in our homes. As such, it is particularly important that it be used responsibly. However we all know that that is not the case. The current trend in programming is to maximize violence, and the promotional spots that advertise those programs and movies use that violence as a key inducement.

Recent studies by respected organizations have confirmed what most of us have instinctively known—that watching the graphic depiction of violence on television and in our movie theaters can increase the violence in ourselves and desensitize us to the consequences of violence. This is especially troubling with respect to television because of the number of children who watch it. Adults can choose their programming and hopefully have the mental capability to distinguish between fantasy and real life. But children who get caught up in these programs and the advertisements that promote them are not as capable and are vulnerable to the strong impressions the violence creates.

My legislation, S. 1556, focuses on an area which I find particularly troubling and that is the use of violent promotional spots and commercials shown at inappropriate times—specifically during family programming or those shows oriented to children's viewing. Try as parents may to control the shows their children watch, it is almost impossible for them to control the commercials that their children watch during otherwise acceptable programs. These violent commercials can defeat a parent's best intentions to protect their children from violent scenes. A parent can prevent a child from watching a TV show which is known to be violent; however, when a violent or offensive commercial is tucked into an otherwise non-violent, family-oriented show there is no prior warning and the entire commercial can be aired before a parent has time to react. Foisting these ads into the midst of otherwise "safe" programs shows a lack of respect for and sensitivity to the efforts of parents to shield their children from violence.

Let me give you two examples of these ads. An ad for the movie, "The Mobsters" shown during "The Cosby Show" depicted a man begging for his life from a man pointing a gun at him and then being killed in cold blood. Another ad, aired during a Sunday afternoon sports event, showed and described a teacher seducing her pupil and getting him to kill her husband. One scene showed a terror-stricken man with a large knife at his throat, begging for his life. As you can see, these ads are not subtle in their portrayal of violence; these are ads that contain graphic, violent acts.

The troubling nature of these ads is gaining increasing attention. The February 1, 1993 issue of U.S. News and World Reports had a feature article on the issue of inappropriate ads. As the basis for the article, the staff of U.S. News, assisted by researchers who study violence on television, did an informal survey of 50 hours of television programming to gain a sense of the frequency of violent TV ads. The staff and researchers identified a dozen ads that were "questionable", the majority of which were aired during the late afternoon and early evening—prime viewing hours for children.

I began my efforts to address this issue in October of 1991. I first wrote to the TV network and cable station executives and appealed to them to keep violent commercials out of family programming. Several months later, Senator Simon joined me in introducing a Sense of the Senate Resolution urging cable and television networks and local television stations to establish and follow voluntary guidelines to

keep commercials depicting acts or threats of violence out of family programming hours. That Sense of the Senate Resolution was adopted by a voice vote on January 30, 1992.

In December 1992, the networks issued voluntary guidelines for the depiction of violence in TV programs, and two of those guidelines specifically address the issue of violent commercials.

Standard No. 11 states, "Realistic portrayals of violence as well as scenes, images or events which are unduly frightening or distressing to children should not be included in any program specifically designed for that audience."

Standard No. 14 states, "The scheduling of any program, commercial or promotional material including those containing violent depictions, should take into consideration the nature of the program, its content and the likely c9mposition of the intended audience."

These standards will be meaningless, however, if broadcasters do not follow them, and it is the viewers who must hold the broadcasters accountable. One way to accomplish this is for viewers to make their voices heard by filing specific complaints with their local stations and/or the networks regarding programming of violent commercials or promotional material during family viewing hours.

That sounds simple enough, but it is not an easy task as my own staff found out earlier this year. When they contacted a national network and local station to obtain a copy of a violent commercial which they had seen, they came up against a brick wall. They were simply unable to get it. Neither the national network nor the local station had a copy of the commercial. Each referred my staff to the other. Yet obtaining a copy of the commercial is key to demonstrating such a commercial shouldn't have been run in the first place. In order to demonstrate and effectively complain about the inappropriateness of a commercial, it is important to show the network or station the actual commercial the complaint is about. But currently, TV stations and networks are under no obligation to make available copies of program promotions and commercials to the public. In effect, then, the viewers' are denied the evidence upon which to base a complaint.

The legislation I have introduced directs the FCC to require local stations, networks and cable operators to maintain commercial promotional spots for at least 30 days after they have been aired and to require that such materials be available for a reasonable fee. My proposal also requires that local stations, networks and cable operators maintain a record of the complaints they receive regarding violent commercial programming and make that information available to the public. The expectation is, of course, that increased attention to violent commercial programming will persuade broadcasters to take their promises and this issue seriously.

The role of the government in overseeing the content of television programming is restricted and necessarily will remain so. Trying to restrict violence on TV through the federal government, raises constitutional issues. But those concerns are not present when the mechanism for moderation is the public itself, through it's direct response to the broadcasters. That's what this legislation is designed to facilitate. It makes it possible for the people to protest one facet of the violence that permeates the airwaves.

The CHAIRMAN. Thank you. Senator Simon.

STATEMENT OF HON. PAUL SIMON, U.S. SENATOR FROM ILLINOIS

Senator SIMON. I thank you, Mr. Chairman. I thank you particularly for holding the hearings in this committee where you have the ability to do something about this problem, and I want to commend not only you for what you have done, but Senator Dorgan for his legislation and Senator Durenberger and Senator Levin.

I got into this thing very accidentally, as I guess we get into a lot of things. I checked into a motel one night in La Salle County, IL, turned on my television set, and all of a sudden I saw someone being sawed in half by a chain saw. Now, I am old enough to know it is not real, but it bothered me that night, and I thought to myself, what happens to a 10-year-old who watches this?

So, the next day, I called my office and I said, "There has to be some research somewhere about what is happening," and then I found out, as Senator Durenberger has mentioned, the Surgeon

General has twice warned us this is a problem. The National Institute of Mental Health has warned us this is a problem. But not surprisingly, we have not read and seen about that on those television programs that broadcast the news, warning us on cigarettes and other things.

The research is just overwhelming. There is no question about the fact that entertainment television violence adds to violence in our society. Oh, there are still some in the industry who deny it, just like there are some in the cigarette industry who deny it in that field, but there is no question.

Let me just give you two examples of what is wrong. There is a widely known children's program that all of you have heard about. I do not mention specific programs for obvious reasons. It is produced in two versions. One is the violent version for here in the United States, and the other is the nonviolent version for all the other countries in the world.

When a spokesperson for the producers was asked by the Christian Science Monitor, "How come," she said "Well, in the United States we expect violence in our children's programming and we do not get any complaints, but we could not sell it in other countries." Something is wrong when that is the situation.

Well, let me give you another example, because I hear from some of those who are opposed in the movie industry. They say, "Why do you not get the real problem, guns and other things?" No one suggests this is the sole cause of violence in our society, but you may have read about the person in San Francisco who took a weapon, a semiautomatic pistol called a Tech-9, and killed eight people and wounded six. The New York Times questioned the manufacturer, who is in Miami, and he said, "We just were not selling those weapons until a television series used that weapon, and then our sales shot up."

No question that television has had an impact on the proliferation of weapons. What the research shows is that—children particularly, but it affects adults, too—we accept violence as a way of answering problems, and we learn another thing, that violence gives us pleasure.

When children, as well as the President of the United States, say "Make my day," what are they saying? They are saying, give me the excuse to provide a violent answer, and I am going to have pleasure providing that violent answer.

I slightly disagree with my friend Senator Kerry in his eloquent statement, 99 percent of which I agree with. There is too much violence on news television, but there is a difference. When you see the violence from Bosnia, it does not glamorize violence. When you have 25 minutes of entertainment television, it is glamorized.

It is what one researcher calls, happy violence. You never see a mother or some relative crying. You do not see the pain and the anguish. We are just getting the wrong thing. We are selling soap through television, we are selling cars through television, and we are selling violence through television.

The industry—and here I have to say particularly the broadcast side, cable has been more of a problem—the industry has made some steps forward. The standards that you mentioned, Senator Kerry, are frankly more nebulous than I would like. The British

standards, if you compare them, are much more rigorous. But at least they have adopted standards finally.

The advisory is more significant than it at first appears because advertisers do not like to go to a program that has the advisory. That is the strength of your suggestion, Senator Dorgan.

What I would like to see, because ideally the industry should answer this themselves rather than through legislation, what I would like to see is for us to say we are not going to do anything, we are not going to markup any bills until January 1. We would like to see you do something. And the most significant thing they have to do, in my opinion, is to set up some kind of a monitoring group. And it has to be respectable.

It has to be headed by somebody like Walter Cronkite or John Chancellor or Newton Minow or someone who is respected. And then, once a year or once every 6 months, we get a report that says this is what is happening on ABC, CBS, NBC, Showtime, and HBO.

This fall, to the credit of the broadcast industry, we have much less violence—or less violence—I do not want to say much less violence, but less violence than we have had in the past. Some people believe it may be less violence than we have had for about 25 years.

But, if next year a violent show gets good ratings, the industry is just going to be heading down that road. We need something that lets the public know what is happening, not only what they are doing, but what is happening in the children's period and what is happening in other areas.

Senator Pressler, I am sorry he is not here, when you say parents should take some responsibility, yes, they should, but it is very, very tough. Most homes have more than one television set. And then, what do you do when Johnny and Jane come and say, "Can we go next door and play at the neighbors?" You are going to be pretty tough parents if you say no, you cannot go next door and play at the neighbors. It is pretty hard to monitor what the neighbors do.

And what about all the homes, particularly in central city areas with high crime rates, where you have single-parent families, where they are just struggling to get by, and that television set is a babysitter? And studies show that in those homes, television is watched 3 hours more per day than in other homes.

I think we have a major problem. I want to give the industry more of a chance to solve this. But if by January 1 they do not come up with some solid answers, then I think some of us have to get together and say what steps do we take.

The CHAIRMAN. Very good, Senator Simon. Thank you very much.

Senator Lott, did you have a statement?

Senator LOTT. Since the Attorney General is waiting to be heard, I will allow her to go ahead.

The CHAIRMAN. Well, they tell me, and we have been checking it closely, we are going to have a vote here in 3 minutes or 2 minutes, at 10:35, and I have tried that before, some of us hold the fort and the testimony goes on. But I think, with the Attorney General, what we ought to do is recede here for a few minutes, go down and

vote quickly, then everybody come back, and then we will present the Attorney General.

The committee will be at ease.

[A brief recess was taken.]

The CHAIRMAN. After two tries at Attorney General, when President Clinton appointed Attorney General Janet Reno, I said, "Who is that?" I called a friend down in Miami who was a classmate of mine—a big Republican incidentally and the chairman of the board of the largest publishing company in the country just about, Knight-Ridder. And I said, "Albert, tell me about Janet Reno."

And he said without hesitation, he said, "She is the best. She commands a law enforcement contingent of about 500. She is on the streets. She is in the courts. She is working with the community and civic organizations. She is very sensitive. She understands more than any in the business the causes of crime and wants to do something about it, and you cannot find any better."

Since I have been over 20-some years at the appropriations level for the Attorney General and the Justice Department, I said to myself, happy days. Here we have got someone as an Attorney General appointed, rather than to protect the President, to protect the people.

So, with that feeling, I have followed with interest Attorney General Reno's activity here, particularly the other day, General, when you appeared before a group of Senators and told of your travels over the country and how you had learned that the same things that persisted, crime and juvenile problems down in Miami, persisted in all the other communities the country over, and how a generation of youngsters were coming along not really knowing good from evil, right from wrong.

And I thought at that time, with respect to children, we cannot control the grownups, we have got the first amendment. They can look at whatever you and I would think to be objectionable as long as they wish. But the courts and the Constitution have all found that children, the sensitive ears, the formative minds, can be controlled at the congressional level. In the case of obscenity, we have done that since 1927. And the idea here is like Senator Simon said just a minute ago, here is a committee that can do something.

They talked about a compelling State interest. Heavens above, we have had a continual State interest since 1952, over 40 years, but we have not done anything. And I hope in that light, and welcome you before the committee, that you will make comments as to whether or not we think we do have a compelling State interest and that we ought to act, and of course act constitutionally, with the least restrictive means that we possibly can. General Reno.

STATEMENT OF HON. JANET RENO, ATTORNEY GENERAL OF THE UNITED STATES, DEPARTMENT OF JUSTICE

Attorney General RENO. Senator, thank you so much for the opportunity to be here with you today. Thank you for your leadership on this issue.

I want to put in a pitch for children. We may be in danger of losing some children, but the generation of children that are out there, who I've seen in my travels across the United States, are, for the most part wonderful, conscientious, dedicated kids, who

care a lot about their country and their community, and we have got to support them.

I think it is important to understand, too, that there is no one single answer to the problem of violence. There is no one simple answer. There is no one inexpensive answer. It has got to be looked at in terms of a comprehensive effort. And it is clear to me that we have got to have enough prisons to house the truly dangerous people for the length of time the judges are sentencing them, both in State and Federal courts.

We have got to have boot camps for youngsters who commit violent crimes that give them an opportunity to know that there is no excuse for putting a gun up beside somebody's head and hurting them. It is not poverty, not broken homes; nothing excuses hurting other people, and there is going to be punishment.

But it is also clear, and clear from so much that I have heard throughout communities in America, from police as well as everyone else, that the time has come to focus on a comprehensive prevention effort.

First, we have got to make sure that our parents are old enough, wise enough, and financially able enough to take care of their children, that they are taught parenting skills that enable them to be responsible parents; and that they have the time to be with their children to be responsible parents.

I think it is clear that many of our problems in relation to violence can be traced back to health care problems. I used to look at presentence investigations of delinquents who I was prosecuting, and you could trace it back to some problem, where they did not get adequate health care. Obviously, we need preventative medical care for our children.

Education is critical. And education in a time that we do not usually think of for that child who is unsupervised, in the ages of 0 to 3. All the child development experts have reiterated to me time and again that 0 to 3 is the most formative time in a person's life, and a time when they develop a conscience. It is going to do little good 9 and 10 years from now, unless we raise children in that age range right.

We have got to free our teachers' time to teach by providing full service schools that provide support and backup for teachers, to enable others to deal with the social problems that confront teachers day in and day out. We have got to have programs in the afternoons and in the evenings.

In my travels across this country I have talked to former gang members and to children that are in detention facilities now, and I asked them what could have been done to prevent it. "If you had had something for me to do afternoons and in the evenings." And that comes back again to the issue of television.

We have got to focus on truancy prevention. Too often, our police officers are picking our children up and taking them back to school. The school calls home and nobody responds and the child is sent home without further followup. We can do so much if we develop teams of community-friendly police officers, social workers, and nurses, who find out why that child is not in school.

We can do so much in terms of reducing violence. I am so pleased to see conflict resolution programs in so many schools in this coun-

try; programs that teach children how to resolve conflicts peacefully, without resorting to fists or to knives or to guns. And these programs are working.

We have seen drug education and prevention programs work, and we can do the same with respect to violence. We have got to focus on domestic violence, because that child who sees his father beat his mother is going to come to accept violence as a way of life. And we have got to intervene not just through the criminal justice system, but through hospitals and the medical institutions as well.

Guns are obviously a problem, and we have got to get guns out of our children's hands, and take immediate steps with regards to that effort.

We have got to understand, however, that television can be a remarkable force for good and for bad, in terms of perpetuating violence amongst the youth of America.

We cannot address any of these issues unless we provide a safety net in terms of community policing efforts that can provide frameworks both in our schools, our public housing developments and on the streets of this Nation. And I think it is important that we get those police officers to the streets in fashions that communities can really use.

All of this does no good if we cannot train our children with skills that enable them to earn a living wage. And we have got to expand on the school-to-work effort and do everything we can to make sure that our children graduate from schools with a skill that can enable them to earn a living wage.

But we are here today to talk about television. And I just want to again put it in perspective; that we must approach it, if we are to succeed, in a comprehensive effort. But where do we stand with respect to television and television violence?

It is easy to forget what a miracle television is, the promise that it holds and the remarkable capacity for education that it possesses. It has literally changed how we see the world and our place in it. An informed electorate is the backbone of our democracy. And television news, political debates and other public affairs programming are a primary source of information for voters and leaders alike.

In its short history, television has also offered outstanding programming in the areas of education, the arts and entertainment.

But the promise of television largely remains unfulfilled. Too much of today's programming neither uplifts nor even reflects our national values and standards. Instead of disseminating the best in our culture, television too often panders to our lowest common denominator.

More than 30 years ago, FCC Commissioner Newton Minow called television a wasteland. I wish that I thought there had been great improvement since then, but there has not been.

In only one-half a century, television violence has become a central theme to the life of our young people, as central as homework and playgrounds.

By the end of elementary school, the Journal of the American Medical Association reports that the average American child has watched 100,000 acts of violence, including 8,000 murders. By age

18, those numbers have jumped to 200,000 acts of violence and 40,000 murders.

A 1992 analysis of a typical day of television, commissioned by TV Guide, revealed about 10 acts of violence an hour. That means that 10 times an hour we expose children to behavior that society and the law condemn and prohibit.

On Saturday mornings, when television programming targets children, that total jumps to 20 to 25 violent acts an hour.

And year after year, a troubling body of evidence has been building up, that has been alluded to here this morning by you and the Senators that have appeared before you. After a decade more of research, the National Institute of Mental Health concluded that the great majority of studies linked television violence and real life aggression.

And just last year, the American Psychological Association's review of research was conclusive, saying that the accumulated research clearly demonstrates the correlation between viewing violence and aggressive behavior.

Mr. Chairman, I am not here as a scientist. I am here as an Attorney General who is concerned about the future of America's children, and seeking ways to prevent violence in America. We are just fed up with excuses and hedging in the face of this epidemic of violence.

We have heard people say we will do something about it, and they have not done something about it. When it comes to these studies, I think we have to use our common sense as well. Any parent can tell you how their children mimic what they see everywhere, including what they see on television. Studies show children literally acting out and imitating what they watch.

The networks understand this point very well. They run public service announcements to promote socially constructive behavior. They announce that this year's programs feature a reduced amount of violence. And they boast of episodes encouraging constructive behavior. In each instance they endorse the notion that television can influence people and how they act.

The link between violent programming and real violence is especially ominous for those in society already facing the most turbulence and strife. Many young Americans struggle to construct a value system amid increasingly amoral circumstances. I used to say that being a parent was the single most difficult job I know. I think maybe being a child in America in certain situations is the most difficult job.

We already know that children from low-income families watch an especially large amount of television. When television lacks for constructive, value-oriented programming, it already lets them down. And many do not have the parental structure to assist them with program choices.

But what is the effect of 10 violent acts an hour on these struggling children?

In dangerous neighborhoods, television may be one of the safest forms of recreation left for children, unless it is more violent than the streets they are afraid to walk on.

Indeed, in high crime areas, television violence and real violence have become so intertwined that they may well feed on each other. If this is true, television is utterly failing us.

The problem is not just numbers and studies, it is the indiscriminate way in which violence is strewn about every portion of television programming. I am not here to condemn documentaries, which teach us the lessons of war, news programming that seeks only to accurately portray the darker side of life, or sporting events that help society channel its competitive and aggressive impulses. Violence has always been a part of our life, our history, and our culture, and television programming in a free society should not pretend that it is otherwise.

But violence has become the salt and pepper of our television diet. Fictional shows and movies feature dozens of killings of bad guys or innocents. Made for television movies glorify the most sordid examples of human behavior. The local news opens with pieces on violent crimes before proceeding to any other type of story. And so-called real life police programs portray the world of law enforcement as nothing but a violent game between America's police and its citizens.

It is also worth noting that this problem does not end with an 18th birthday. Repeated exposure to violent programming also hurts adults, by heightening our fear and mistrust of the outside world, by convincing us that our epidemic of violence is too intractable to address, by numbing us to the plight of its victims, or by repeatedly showing us how to address the most frustrating problems of life with violence.

I think too often America has become numb to violence because it has just been drowned in it day in and day out.

In the face of these concerns, many people in the television industry argue that the solution is simple: the parents should just turn the television off. I agree that parental supervision must always be the first line of defense. And, indeed, my mother did not allow our family to have a television because she said it contributed to mind rot.

But there are too many people, too many children, that do not have their parent there; that have their parents struggling to work to make ends meet, or a parent that has been too indifferent, and we have got to look beyond.

As I said here earlier, I am not here today to bash the television industry, nor am I looking for villains. I believe that television executives are genuinely concerned about this problem, and I commend the actions they have taken to address the issue of violent programming. It is also clear that some have worked harder to address this issue than others, and I address my remarks to all programmers, including those in the cable industry and independent stations which air mostly syndicated programming.

For example, I think the networks acted constructively when the Congress passed the Television Program Improvement Act of 1990 by working together to issue joint standards for the depiction of violence in television programming, and the networks showed their willingness to confront this issue.

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And the advance parental advisory system announced this June will provide viewers with programming advisories and antiviolence promotional announcements.

I believe these are positive steps, however they are extremely small steps. They are little itty-bitty steps. For example, the joint standards issued in 1992 required no change in network programming. They essentially restated each network's existing policy. And the networks have indicated that the new advisory system would have led to few warnings during last year's schedule. Many of the independent stations and cable networks do not have standards and practices divisions.

What does upset me is when the leaders of powerful institutions which bear some responsibility for the problem and which have such an unlimited opportunity to use this incredible medium for good treat any discussion of their role as political persecution, or seek to shift all responsibility for solutions elsewhere. I am tired of the shoulder shrugging and finger pointing. No one ever accused television violence itself of being solely responsible for violence in America. I believe we all contribute.

All I am asking today is that the entertainment industry, and that includes the movies, the broadcasting networks, cable TV, and the independents, acknowledge their role and their responsibilities, and pledge to us to work with us with every tool they have to address this problem, and to do more than make pledges. Start doing something about it now in ways that can be subject to clear compliance. There has been enough bickering. It is time for solutions.

There are many legislative proposals and much talk about regulation of the industry to limit violence on television. This is not, in my view, the place to begin real and lasting change, but it does raise an important point of departure for any discussion of legislation and other solutions, that regulation of violence is constitutionally permissible and it should be understood.

In the case of *FCC* v. *Pacifica*, where the court permitted the FCC to regulate which hours indecent programming could be aired, Justice Stevens wrote the following for the majority. "We have long recognized that each medium of expression presents special first amendment problems, and of all forms of communication it is broadcasting that has received the most limited first amendment protection."

He went on to cite two reasons for this distinction:

> First, the broadcast media have established a uniquely pervasive presence in the lives of all Americans. Patently offensive, indecent material presented over the airways confronts the citizen not only in public but also the privacy of the home where the individual's right to be left alone plainly outweighs the first amendment rights of an intruder.
>
> Second, broadcasting is uniquely accessible to children, even those too young to read. Other forms of offensive expression may be withheld from the young without restricting the expression at its source.

In view of this breadth, the various Senate bills under consideration appear to be constitutionally sound under the *Pacifica* language. I think that the bills also reflect that there is a continuous and a compelling State interest in the enactment of these pieces of legislation. They go to the heart of the matter. People throughout America support doing something about it.

Despite this fact and despite the popular support for action to curb television violence, I believe that Government intervention is not the best option. The best option would be taken outside of Government by parents, educators, and by the entertainment industry.

But history shows us, and history was heard this morning showing us how we have given the entertainment industry chance after chance. We have done it again and again. And I think the time has come for a very specific proposal to be made by all aspects of the industry with immediate deadlines and means of monitoring compliance, or otherwise I believe that Government will have no alternative but to address these problems through legislation such as you have proposed.

What are the other solutions? For those who produce, distribute, and underwrite programming on the networks, cable TV, and the independents, I believe that the time for business as usual has come to an end. It is time for television and the film industry to search their souls and realize that it possesses enormous power in a free society.

Advertisers must reevaluate the nature of the messages they wish to subsidize, since each commercial minute they buy pays for the transmission of certain values to our children.

There are many more things the television industry can do. To begin with, parents need to know more about programming before it is broadcast. Other forms of media offer parents a chance to review what their children will be exposed to.

The parental advisories offered this fall are a constructive first step, but parents could be offered more information such as more detailed warnings or motion picture style ratings based on the amount of violence in the program. Even then, advisories do nothing when parents are unable to watch a program with their child for the reasons I have alluded to.

I also think it is time the television industry helped us get our facts straight when it comes to television violence. It would be very constructive if the networks, cable TV, and the independents were to analyze the violence on their own programs, not just those they produce but all programing shown, and issue reports to the public.

I understand the reasoning behind Senator Dorgan's proposal to mandate such reports. I would like to give the networks the opportunity to do it right in the first place.

Most importantly, however, I think it is time for television to examine what programs they buy and when they air them, especially during prime time hours. That includes both programming and promotions for upcoming programs and for movies which often show the most violent highlights of programs children cannot stay up to watch. It is not only the right thing to do, it is good business given how many of the top rated shows last year were nonviolent comedies.

But if they do not take this action, the bill you have proposed, Senator, goes right to the heart of it and will need to be considered in trying to figure out a governmental response to this serious problem.

Simply curbing violent television programming would be a positive first step, but what if all television offered more shows with plots which actually repudiated violence? What if parents knew

there was programming available featuring antiviolent themes, the resolution of disputes without resource to violence, and people managing anger without picking up a gun?

Television does not have to pretend that violence does not exist, but it certainly does not have to present it as a solution to a problem.

So many of our children want to be heroes. I have been to school after school across this country. I asked the kids, "What questions do you have," because students ask better questions than anybody including newspaper reporters. They all have a sense of what can be done. They want to be somebody. They want to be a U.S. Senator. They want to help make a difference in their communities. That is why they too often have to resort to comic book superheros and idolize athletes.

I remember my aunts going off to World War II. One was an Army nurse who went into North Africa behind Patton's army. Another was a Women's Army Service pilot who towed targets and ferried bombers. And when those ladies came home from the war they were my heroines.

I watched John Kennedy send our young people half-way around the world to help make a difference. Congress recently passed the national service legislation, which I think will help give our youngsters a chance to serve.

Why cannot television offer more examples of young people who see the violence and other problems around them and work to make things better? What if it did more to highlight kids and adults who work to pick up their lives and change their communities and support their families?

Television can help teach children a lot about do's and do not's, but it has to go beyond that to relate to their world and show them that being an American means that they can grow up to be who they want to be and really make a difference regardless of their circumstances.

Television can help restore hope in children for whom hope does not come easily by promoting self-respect and esteem, by teaching that decisions should be made by what is right instead of what peers want, that being different should lead to tolerance and acceptance, and that they should never go near or touch a gun.

Some television, primarily the networks, have also begun to air antiviolence public service announcements. That is a great start, and I hope they will air more. But I hope the day will come when the role of a public service announcement goes beyond an antidote to the very programming which surrounds it.

I know concern has been expressed as to the application of antitrust laws to any joint activities by any networks to address the problem of television violence. I do not see any reason why the antitrust laws should be a barrier to the development of reasonable guidelines and standards.

The administration stands ready to work with the industry to try to help resolve any uncertainties they may have, and the Justice Department will work with Senator Simon whose antitrust exemption was helpful in moving this issue forward.

As I have said, the television industry has taken some first steps. I am convinced that the men and women of the industry are deeply

concerned. But if further significant voluntary steps are not soon taken, I know it will be difficult, and I think that Government action will be imperative.

But we also need to encourage change at homes and in our schools. How ironic is it that we do not have to even talk of parental and educational responses to television violence? Do things not seem upside down when violent programming is turning television into one more obstacle that parents and teachers have to overcome in order to raise children? The first amendment rightly puts the burden on anyone seeking to limit violent programming, but what if the burden were on television to justify violent programming?

We do need to encourage parents to take more of a role in their children's television viewing. We must do everything we can to encourage parents to be involved in every step of their children's lives.

But parents can do a lot. They can send messages to advertisers that we are not going to buy your product if you advertise violence on television, and we can let our voice be heard throughout this Nation in terms of what we think about violence on TV.

Since education is so critical to addressing their problem, our schools can play a part. In Aurora, IL, fourth graders are learning how to view television more critically. Like parents, teachers can help explain to kids how television violence is fiction, that it is shown only for entertainment purposes, how wrong it is, how painful and permanent real violence is, and how to solve conflicts without violence.

Mr. Chairman, I believe in an open society and a strong first amendment. My instincts militate against Government involvement in this area. But I also believe that television violence and the development our youth are not just another set of public policy problems, they go to the heart of our society's values.

The best solutions lie with industry officials, parents, and educators, and I do not relish the prospect of Government action. But if immediate voluntary steps are not taken and deadlines established, Government should respond and respond immediately.

I want to use this forum to challenge television to substantially reduce its violent programming now. In the coming months, I want to work with everyone concerned with the problem, to reach out to parents and children and teachers and people in the entertainment industry.

We need to proceed soberly, and rationally, and not succumb to hysteria or slogans or the thought that one single thing is going to make a difference in the complete picture.

But we must move forward to set a schedule for compliance with proper standards, or Government should set those standards, and these bills before you today are a good beginning.

Last April, and I did not know how I would use these, I received these letters from 75 children attending Park Elementary School in Munhall, PA. They are pretty remarkable letters. They obviously had had some class discussion.

One of them, from Amber-Lynn Manning, puts it very simply. "Dear Ms. Reno, I do not like violence on TV. It makes me feel rotten. How can you help me?"

Ms. Manning has challenged us. We must respond.

[The prepared statement of Attorney General Reno follows:]

PREPARED STATEMENT OF ATTORNEY GENERAL RENO

Thank you very much, Mr. Chairman. I am pleased to join you this morning. I want to congratulate this Committee for taking on such an important topic.

As Attorney General, I am dedicated to fighting violence wherever it is found: in the streets, in our neighborhoods, in our schools and in our homes. But reactive tools like tough sentences and expanded police forces are barely able to keep up with crime. I would like to talk today about the challenges we face in trying to prevent crime in the first place. In particular, I want to address the role of television in our culture of violence—and what it will take to achieve real change.

THE PROMISE AND DISAPPOINTMENT OF TELEVISION

I am not here to bash television. Earlier this week, I sat down with a number of industry executives, representatives of the broadcasting networks and cable TV, for a frank exchange of views. They had a lot to say, and I listened carefully. I believe that there is a widespread recognition of the scope of this problem, and a growing realization that television programming can and must be part of the solution.

It is easy to forget what a miracle television is, the promise that it holds, and the remarkable capacity for education that it possesses. It has literally changed how we see the world and our place in it. An informed electorate is the backbone of our democracy, and television news, political debates and other public affairs programming are a primary source of information for voters and leaders alike. In its short history, television has also offered outstanding programming in the areas of education, the arts and entertainment.

But the promise of television remains vastly unfulfilled. Too much of today's programming neither uplifts nor even reflects our national values and standards. Instead of disseminating the best in our culture, television too often panders to our lowest common denominator. More than thirty years ago, FCC Commissioner Newton Minow called television a "wasteland." I wish I could say that I thought there had been great improvement since then.

THE EVIDENCE

In only half a century, television violence has become as central to the life of our young people as homework and playgrounds. By the end of elementary school, the Journal of the American Medical Association reports that the average American child has watched 100,000 acts of violence—including 8,000 murders. By age 18, those numbers have jumped to 200,000 acts of violence and 40,000 murders. A 1992 analysis of a typical day of television, commissioned by TV Guide, revealed about 10 acts of violence an hour. That means that 10 times an hour, we expose children to behavior that society and the law condemn and prohibit. On Saturday mornings, when television programming targets children, that total jumps to 20-25 violent acts an hour.

And year after year, a troubling body of evidence has been building up—evidence that shows a clear link between television violence and aggressive behavior. With each review of the evidence, scientists have become more and more convinced that television violence and real-life aggression are strongly linked:

- After a decade of more research, the National Institute of Mental Health concluded that "the great majority" of studies linked television violence and real-life aggression.
- And just last year, the American Psychological Association's review of research was conclusive, saying that "the accumulated research clearly demonstrates a correlation between viewing violence and aggressive behavior."

Critics say these studies only show that many people who happen to watch violent television also happen to exhibit aggressive behavior, rather than proving that such viewing actually leads to violent behavior. They argue that there could be another factor which causes both things to happen.

Mr. Chairman, I am not here today as a scientist. I am here as an Attorney General who is concerned about the future of this country's children, and as a concerned American who is fed up with excuses and hedging in the face of an epidemic of violence. When it comes to these studies, I think we are allowed to add our common sense into the mix.

Any parent can tell you how their children mimic what they see everywhere—including what they see on television. Studies show children literally acting out and imitating what they watch. The networks themselves understand this point very well: they run public service announcements to promote socially constructive behav-

ior, they announce that this years programs feature a reduced amount of violence, and they boast of episodes encouraging constructive behavior. In each instance they endorse the notion that television can influence how people act.

The link between violent programming and real violence is especially ominous for those in our society already facing the most turbulence and strife. Many young Americans struggle to construct a value system amidst increasingly amoral circumstances. We already know that children from low-income families watch an especially large amount of television. When TV lacks for constructive, value-oriented programming, it already lets them down.

But what is the effect of 10 violent acts an hour on these struggling children? In dangerous neighborhoods, television may be one of the safest forms of recreation left for children—unless it is more violent than the streets they are afraid to walk. Indeed, in high crime areas, television violence and real violence have become so intertwined that they may well feed on each other. If this is true, then television is utterly failing us.

The problem is not just numbers and studies; it is the indiscriminate way in which violence is strewn about every portion of television programming. I'm not here to condemn documentaries which teach us the lessons of war, news programming that seeks only to accurately portray the darker side of real life, or sporting events that help society channel its competitive and aggressive impulses. Violence has always been a part of our life, our history and our culture; and, television programming in a free society should not be expected to pretend otherwise.

But violence has become the salt and pepper of our television diet: fictional shows and movies feature dozens of killings of bad guys or innocents; made-for-TV movies glorify the most sordid examples of human behavior; the local news opens with pieces on violent crimes before proceeding to any other type of story; and so-called "real life " police programs portray the world of law enforcement as nothing but a violent game between America's police and its citizens.

It's also worth noting that this problem does not end with an eighteenth birthday. Repeated exposure to violent programming also hurts adults—by heightening our fear and mistrust of the outside world, by convincing us that our epidemic of violence is too intractable to address, by numbing us to the plight of its victims, or by repeatedly showing us how to address the most frustrating problems of life with violence.

MOVING FORWARD

In the face of these concerns, many people in the television industry argue that the solution is simple: that parents should just turn the television off. I agree that parental supervision must always be the first line of defense—indeed, my mother didn't allow our family to have a television.

But as slogans go, I fear that "let parents turn off the television" may be a bit naive as a response to television violence, especially when you consider the challenge that parents face in trying to convince children to study hard, behave and stay out of trouble. Supreme Court Justice John Paul Stevens once compared this argument to "saying that the remedy for an assault is to run away after the first blow." Indeed, many parents don't want to have to turn the television off—they want to expose their children to the good things television can offer, like educational and family-oriented programs.

As I said earlier, I am not here today to bash the television industry, nor am I looking for villains. I believe that television executives are genuinely concerned about this problem, and I commend the actions they have taken to address the issue of violent programming. It is also clear that some have worked harder to address this issue than others, and I address my remarks to all programmers—including those in the cable industry and independent stations which air mostly syndicated programming.

For example, I think the networks acted constructively when Congress passed the Television Program Improvement Act of 1990. By working together to issue joint "Standards for the Depiction of Violence in Television Programming," the networks showed their willingness to confront this issue. And the "Advanced Parental Advisory" system announced this June will provide viewers with programming advisories and anti-violence promotional announcements.

I believe these are positive steps. They are, however, extremely small steps. For example, the joint standards issued in 1992 required no change in network programming—they essentially restated each network's existing policy. And the networks have indicated that the new advisory system would have led to few warnings during last year's schedule.

BEST COPY AVAILABLE

What does upset me is when the leaders of powerful institutions which bear some responsibility for the problem—and possess powerful resources to address it—treat any discussion of their role as political persecution, or seek to shift all responsibility for solutions everywhere else.

Mr. Chairman, I am tired of the shoulder-shrugging and the finger-pointing. No one ever accused the networks or television violence itself of somehow being solely responsible for violence in America. I believe that we all contribute to the development of our young people.

All I am asking today is that the entertainment industry—and that includes the movies, the broadcasting networks, cable TV and the independents—acknowledge their role and their responsibilities, and pledge to work with us to use every tool they have to address this problem. There's been enough bickering over the problems.

Let's talk about solutions we can work on together—right now.

LEGISLATIVE OPTIONS

There are many legislative proposals and much talk about regulation of the industry to limit violence on television. This is not, in my view, the place to begin to effect real and lasting change; but it does raise an important point of departure for any discussion of legislation and other solutions: that regulation of violence is constitutionally permissible.

In the case of *FCC* v. *Pacifica*—where the Court permitted the FCC to regulate which hours indecent programming could be aired—Justice Stevens wrote the following for the majority:

• "We have long recognized that each medium of expression presents special First Amendment problems. And of all forms of communication, it is broadcasting that has received the most limited First Amendment protection."

He went on to cite two reason for this distinction:

• "First-the broadcast media have established a uniquely pervasive presence in the lives of all Americans. Patently offensive, indecent material presented ever the airwaves confronts the citizen, not only in public, but also in the privacy of the home, where the individual's right to be left alone plainly outweighs the First Amendment rights of an intruder."

• "Second, broadcasting is uniquely accessible to children, even those too young to read. Other forms of offensive expression may be withheld from the young without restricting the expression at its source."

In view of this breadth, the various Senate bills under consideration appear to be constitutionally sound under the Pacifica language. Despite this fact, and despite the popular support tar action to curb television violence, I believe that government intervention is neither the best option nor the first we should try. But it is up to others to ensure that it is not the only option left. The best solution would be action taken outside of the government—by parents, by educators, and, first and foremost, by the entertainment industry.

OTHER SOLUTIONS

For those who produce, distribute and underwrite programming on the networks, cable TV and the independents, I believe that the time for business as usual has come to an end. I know that the television and film industries see violent programming as a source of lucrative revenues, but the time has come to break the cycle of television violence.

It is time for the television and film industry to search their souls and realize that it possesses enormous power in a free society—power that can lead to significant unintentional side effects. Advertisers must reevaluate the nature of the messages they wish to subsidize, since each commercial minute they buy pays for the transmission of certain values to our children.

There are many more things the television industry can do. To begin with, parents need to know more about programming before it is broadcast. Other forms of media offer parents a chance to review what their children will be exposed to. The parental advisories offered this fall are a constructive first step, but parents could be offered more information -such as more detailed warnings or motion-picture style ratings based on the amount of violence in a program. Even then, advisories do nothing when parents are unable to watch program with their children.

I also think it is time the television industry helped us get our facts straight when it comes to television violence. It would be very constructive if the networks, cable TV and the independents were to analyze the violence on their own programs, not just those they produced but all programming shown, and issue reports to the public. I understand the reasoning behind Senator Dorgan's proposal to mandate such

reports; but I would prefer to give the networks an opportunity to show they are willing to do so on their own.

Most importantly, however, I think it is time for television to re-examine what programs they buy and when they air them, especially during prime-time hours. That includes both programming and promotions for upcoming programs and for movies—which often show the most violent highlights of programs children can't stay up to watch. It's not only the right thing to do—it's good business, given how many of the top-rated shows last year were non-violent comedies.

Simply curbing violent programming would be a very positive first step. But what if all television offered more shows with plots which actually repudiated violence? What if parents knew there was programming available featuring anti-violent themes, the resolution of disputes without resort to violence, and people managing anger without picking up a gun? Television doesn't have to pretend that violence doesn't exist—but it certainly does not have to present it as a solution to a problem.

So many of our children want to be heroes, but don't have an outlet. That's why they read about comic book superheros and idolize athletes. In the World War Two era, young people went off to fight fascism. Three decades ago, President Kennedy called on them to join the Peace Corps. Congress recently passed National Service legislation which I hope will call more people to heroism.

But why can't television offer more examples of young people who see the violence and other problems around them and work to make things better? What if it did more to highlight kids and adults who work to pick up their lives and change their communities?

Television can help teach children a lot about do's and don'ts—but it has to go beyond that to relate to their world and show them that being an American means that they can grow up to be who they want to be and really make a difference, regardless of thee circumstances. Television can help restore hope in children for whom hope doesn't come easy: by promoting self-respect and esteem, by teaching that decisions should be made based on what is right instead of what peers want, that being different should lead to tolerance and acceptance, and that they should never go near or touch a gun.

Some television, primarily the networks, have also begun to air anti-violence public service announcements. That's a great start, and I hope they will air more, but I hope that the day will come soon when the role of a public service announcement goes beyond that of antidote to the very programming which surrounds it. Many of the independent stations and cable networks do not even have standards and practices divisions.

I know concern has been expressed as to the application of anti-trust laws to any joint activities by networks to address the problem of television violence. I don't see any reason why the anti-trust law should be a barrier to the development of reasonable guidelines and standards. The Administration stands ready to work with the industry to try to help them resolve any uncertainties they may have.

As I said before, the television industry has taken some first steps to address these problems. I am convinced that the men and women of the television industry are deeply concerned about violence in America, and recent history shows they are willing to go beyond mere talk. When television characters began buckling their seat belts, and TV smoking and drinking became less glamorous, the industry demonstrated its willingness to bring their enormous power to bear on behalf of societal needs. But if further, significant voluntary steps are not taken soon, I know how difficult it will be to forestall government action.

We also need to encourage change at home and in our schools. But how ironic it is that we even have to talk of parental and educational responses to television violence. Don't things seem upside down when violent programming is turning television into one more obstacle that parents and teachers have to overcome in order to raise children? The First Amendment rightly puts the burden on anyone seeking to limit violent programming. But what if the burden were on television to justify violent programming?

We do need to encourage parents to take more of a role in their children's television viewing, however. Parents can keep an eye on what programs their children watch, watch television with them, talk with them about what they see and explain the difference between fictional violence and what the world expects of them. Parents can also bring economic pressure to bear on companies who sponsor violent programming. A national campaign would let advertisers and programmers know that Americans are willing to show their frustration with television violence with their wallets as well as their remote controls.

Since education is so critical to addressing this problem, our schools can play a part. In Aurora, Illinois, 4th graders are learning how to view television more critically. Like parents teachers can help explain to kids how television violence is fic-

tion that is shown only for entertainment purposes, how wrong it is, how painful and permanent real violence is, and how to solve conflicts without violence.

CONCLUSION

Mr. Chairman, I believe in an open society and a strong First Amendment. My instincts militate against governmental involvement in this area. But I also believe that television violence and the development of our youth are not just another set of public policy problems. Rather, they go to the heart of our society's values.

The best solutions lie with industry officials, parents and educators, and I don't relish the prospect of government action. But if further voluntary steps are not taken, public pressure for more intrusive measures will grow more intense—and more difficult to resist.

I want to use this forum to challenge television to reduce substantially its violent programming in one year's time. Cold turkey would be better, but I want to allow a time period for a reasonable transition. In the coming months, I want to work with everyone concerned with this problem, to reach out to parents and children and teachers and people in the entertainment industry. We need to proceed soberly and rationally, and not succumb to hysteria or slogans on any side. But we must move forward.

I would like to close with a very personal appeal—to you, Mr. Chairman, to the other Senators gathered here today, to parents and educators, and especially to the men and women of the television industry. I am holding letters in my hand from 75 children attending Park Elementary School in Munhall, Pennsylvania. One of them—from Amber-Lynn Manning—puts it very simply: "Dear Miss Reno, I don't like violence on TV. It makes me feel rotten. How can you help me?" Ms. Manning has challenged us. We must respond.

The CHAIRMAN. Very good, General. You have spoken knowledgeably, not only as a lawyer, but with feeling about children. There is a sort of dichotomy within your own testimony relative to Government. You hesitate and in the same breath, though, you have acknowledged that regulation by the Government is constitutionally permissible in this area.

As I see it then, I see it as a duty. I would have agreed with you, and I have been listening now for 27 years on this score myself. Congress has been at it for over 40 years.

Let me just ask this, and I ask it in a friendly way because I assume as one these bills comes in you are immediately called upon, and I am good friends with all of these executives, and I take it they have called on you also?

Attorney General RENO. Oh, yes.

The CHAIRMAN. But that is perhaps the first meeting you ever had. Have you ever had, until you became Attorney General, the occasion to meet with the executives of the TV industry?

Attorney General RENO. Just the local people.

The CHAIRMAN. Just the local people, not the national ones. You see, we have been meeting with the national ones, and after all of that, way back in the seventies, 18 years ago, this is what Dick Wiley, the Chairman of the FCC, said. The new guidelines "represent a major accomplishment for industry self-regulation"—18 years ago.

He expressed optimism that they would be applied in a reasonable manner that would be acceptable to the American people. You see, like you said later in your statement, they have done it again and again and again. We have no recourse but to assume that responsibility under the Constitution. And that is why I introduced the particular bill, Senator Inouye and myself.

And incidentally, we will make his statement a part of the record. He has been handling the Defense Appropriations bill and could not be here.

[The information referred to follows:]

NEWS RELEASE—FCC ISSUES REPORT ON VIOLENCE AND OBSCENITY ON TELEVISION

The Federal Communications Commission made public today its Report on the Broadcast of Violent and Obscene Material.

The report, a study of solutions to the problems of televised violence and sexually-oriented material, was undertaken by the Commission at the request of Congress in mid-1974.

The Commission's study focused on two issues:

- steps that might be taken to prohibit the broadcasting of obscene or indecent material, and
- steps that might be taken to protect children from other sexually-oriented or violent material that might be inappropriate for them.

The report concluded that with regard to obscene and indecent material, direct governmental action is required by statute, and, the Commission said, it intends to meet its responsibilities in this area.

Specifically, the Commission said it would submit to Congress an amendment to Title 18, U.S. Code, Section 1464, to eliminate the uncertainty as to whether the FCC has jurisdiction over the broadcasting of obscene or indecent material on television. The prohibition would extend to cable television as well, the Commission said.

As to the broader question of what is appropriate for viewing by children, the FCC concluded that self-regulation by the broadcast industry was preferable to the adoption of rigid Federal standards.

The Commission said recent actions by the three television networks and the National Association of Broadcasters Television Code Review Board establishing a "family viewing" period during the first hour of prime time were "commendable and go a long way toward establishing appropriate protections for children from violent and sexually-oriented material."

The adoption of Federal rules, the Commission said, might involve the government too deeply in programming content and raise sensitive First Amendment questions.

In addition, the Commission said, any rulemaking designed to limit violent and sexually-oriented programming that was neither obscene nor indecent would require finding an appropriate balance between the need to protect children from harmful material and the adult audience's interest in diverse programming.

Such regulation action, the report noted, could risk improper government interference in sensitive, subjective programming decisions, freeze present standards and discourage creative developments in the medium.

FCC Chairman Richard E. Wiley, in a recent speech to the National Association of Television Program Executives in Atlanta said:

> "Short of an absolute ban on all forms of 'violence'—including even slap-stick comedy—the question of what is appropriate for family viewing necessarily must be judged in highly subjective terms * * * Indeed, the lack of an acceptable objective standard is one of the best reasons why—the Constitution aside—I feel that self-regulation is to be preferred over the adoption of inflexible governmental rules."

The FCC is required by the Communications Act to ensure that broadcast licensees operate in a manner consistent with the "public interest," and Commission policy has long held that program service in the public interest is an essential part of a licensee's obligation.

At the same time, however, Section 326 of the Act specifically prohibits "censorship" by the FCC and expressly forbids promulgation of rules or conditions "which shall interfere with the right of free speech by means of radio communications."

The report noted that for this reason the Commission historically had exercised caution in program regulation.

With all these considerations in mind, Wiley last November 22 initiated discussions with executives of the television networks.

Among those attending the first meeting were Arthur Taylor, president, CBS Inc., and John Schneider, president, CBS Broadcast Group; Herbert Schlosser, president, NBC, Inc., and David Adams, vice chairman, NBC, Inc.; Elton Rule, president, ABC, Inc., and Everett Erlick, senior vice president and general counsel, ABC, Inc.

The chairman suggested several specific proposals—(1) a new commitment to reduce the level of intensity of violent and sexually-oriented material, (2) the scheduling after 9 P.M. of programming inappropriate for young viewers, (3) the broadcast of audio and video warnings when such programs are broadcast and advance warnings in print media program listings and promotional material.

The chairman also raised the possibility of adopting a rating system similar to that now used by the motion picture industry.

No commitments were sought from the networks and none were offered but the report noted that the meeting provided an opportunity for a free and candid exploration of a mutually recognized problem affecting broadcast service.

While not all the proposals advanced by the Commission were acceptable to the networks, each developed a set of guidelines it felt should govern its programming, and each released to the public policy statements incorporating these guidelines.

Common to all three statements was the network's assurance that the first hour of network entertainment programming in prime time would be suitable for viewing by the entire family.

At a second meeting January 10 in which representatives of the National Association of Broadcasters joined Wiley and the network officials, each network made it clear that programs presented during the "family viewing" period would be appropriate for young children. Proposals that reforms be incorporated in the NAB Television Code were also discussed.

On February 4, the NAB Television Code Review Board adopted a proposed amendment to the NAB Television Code. Similar to the networks' guidelines, the code would expand the "family viewing" period to include "the hour immediately preceding the first hour of network programming in prime time."

The new proposal would go into effect this September but first must be approved by the NAB Television Board, which will meet in April. The Commission said it had no reason to expect the board would reject the proposal. It added that it anticipated discussing the same issues with the Association of Independent Television Stations and with educational broadcasters.

In sum, the three network statements and the NAB proposed policy would establish the following guidelines for the Fall 1975 television broadcast season:

- the first hour of network entertainment programming in prime time and the immediately preceding hour would be designated as a "family viewing" period. This would, in effect, include the period between 7 and 9 P.M., eastern time during the first six days of the week. On Sunday, because network programming typically begins at a different time, the "family viewing" period would begin half an hour earlier.
- "viewer advisories", or warnings, would be broadcast in both audio and video form "in the occasional case when an entertainment program" broadcast during the "family viewing" period contained material that might be unsuitable for young audiences. "Viewer advisories" also would be used in later evening hours for programs containing material that might be disturbing to significant portions of the audience.
- broadcasters would attempt to alert publishers of television listings as to programs containing "advisories" and would urge responsible use of such warnings in promotional material.

The report noted that the network and NAB proposals had been designed to give parents general notice that after the evening news, and for the duration of the designated period, the broadcasters would make every effort to assure that programming presented—including series and movies—would be appropriate for the entire family.

However, the report pointed out, "parents, in our view, have—and should retain—the primary responsibility for their children's well-being. This traditional and revered principle * * * has been adversely affected by the corrosive processes of technological and social change in twentieth-century American life. Nevertheless, we believe that it deserves continuing affirmation."

The Commission said it recognized specific aspects of these industry self-regulation measures might meet with some disagreements. The "family viewing" period would be presented at different hours in different time zones and ordinarily would end at 9 P.M. in New York, at 8 P.M. in the Midwest, and as early as 7 P.M. in parts of the Mountain Time Zone. In addition, the fact that the "family viewing" period may be presented at a different time on Sunday could create some confusion.

The Commission also noted that "program advisories" and other warnings should not be used in "a titillating fashion so as to commercially exploit the presentation of violent or sexual-oriented material." It added that the new guidelines would not be acceptable to the public if broadcaster "prove to be unreasonably expansive in deciding which programs are appropriate for family viewing."

Despite these considerations, the Commission concluded, the new guidelines "represent a major accomplishment for industry self-regulation." It expressed optimism that they would be applied in a reasonable manner that would be acceptable to the American people.

Turning to the FCC's statutory responsibilities regarding the broadcast of obscene and indecent material, the Commission said Title 18, U.S. Code, Section 1464, which

prohibits utterances of "any obscene, indecent or profane language by means of radio communications" might be inadequate for the purpose of prohibiting explicit visual depictions of sexual material.

Consequently, it said, it would include in its legislative proposals to the 94th Congress an amendment to Section 1464 that would eliminate the uncertainty as to whether the FCC had statutory authority to proceed against video depiction of obscene or indecent material. The proposal would extend the prohibition to cable television as well.

The report noted that in a related step the Commission also had clarified its position on the broadcast of indecent language in a declaratory ruling issued February 12 in a case involving WBAI(FM), New York City.

That ruling related the new definition of "indecent" to the use of language that describes, in terms patently offensive as measured by contemporary community standards for broadcast media, sexual or excretory activities and organs at times of the day when there was a reasonable risk children might be in the audience.

The Commission concluded with the hope that the combined effects of the declaratory order and the proposed amendment to the U.S. Code would clarify the broadcast standard for obscene and indecent speech as well as visual depictions and would prove effective in abating problems that had arisen in these areas of programming.

The CHAIRMAN. But we both heard it, Senator Inouye and I, and so we said, look, let us not just make headlines, let us try to make some headway. How can we constitutionally, in the least restrictive manner, establish more or less a safe harbor or a family hour? And we will not have to get in the arguments of whether cable is doing it now and whether the networks are doing it or not, whether it comes on in ads or does not come on in advertisements, and all the little peripherals.

We are beyond the pale. We know. The parent that the TV has become—you see, we started with the Attorney General and the Weed and Seed Program and the playground coach. And you have got 267 kids in my backyard a couple of years ago all playing soccer, got a championship. The coach is a teacher.

I hear from education, and we have thousands of hearings on it, and the teacher will say, the teacher is the parent, probably the only parent that many of the children will see. And otherwise the TV is the most pervasive parent. It is called a narcotic, but the truth of the matter is, and we have got to acknowledge it, it is the most pervasive parent all children see, except your family where they would not let you look at it.

So, that being the case, we have got to assume some kind of responsibility and quit wringing hands and viewing with alarm. What is wrong with the Congress in the opinion of the people is all the rhetoric and chatter.

What about the Hollings and Inouye bill with respect to putting in a family hour where we can establish it? The TV industry has acknowledged it. We have got Beavis and Butthead. I have not seen it. I do not watch it. But, it is at 7 o'clock, and they have put it on now at 10:30, I think.

They pleaded guilty, and they will do it as long as you and I have hearings, but we cannot just have hearings like we have had now for 40 years and get nowhere. And yes, the networks will go see the Attorney General, go see the chairman, and yes they are good people. But, the truth of the matter is that TV is more and more pervasive. There is more and more violence on television.

Can we not pass this bill and not really be infringing on the first amendment?

Attorney General RENO. Senator, as I have said the bills that you have directly under consideration today are constitutional and can be passed, and we have reviewed them very carefully in the Department.

You will also note the change between my prepared testimony and what I said today. Last night I started reading about how many times they said they are going to do better, and it was over and over and over again. And I was impressed this morning as I heard Senator Simon say, "What about giving them until January and then doing it if they do not do it?"

The CHAIRMAN. Well, we have given them at least 27 years in my experience; and we can give one more January, and make the bill effective come January 1, or whatever it is. But I would hope we would begin to move.

Let me limit myself, because you are the most important witness we will have; and we have got some very, very important panels to come.

Senator Danforth.

Senator DANFORTH. General, thank you very much. There would be no constitutional quarrel whatever with simple disclosure requirements, would there?

Attorney General RENO. No, sir.

Senator DANFORTH. All right. And for example, let us say that a television station were required by law to report every month on how many violent deaths it showed on that channel during the previous month. There would be no constitutional problem with doing that, would there?

Attorney General RENO. No, sir.

Senator DANFORTH. And if, say, a motion picture were to have, at the beginning of the motion picture, "The following motion picture has 13 violent deaths, 3 rapes," something like that, there would be absolutely no conceivable constitutional argument against that, would there?

Attorney General RENO. I would just worry about how many people would stay, if they were not properly supervised, to watch.

Senator DANFORTH. Well, my view is that—I agree with that. I mean, I think that that is, may be, the problem with primetime requirements; that kids just are watching television all the time because, unfortunately, there is too little parental supervision. I do not know how to deal with that problem.

But it seems to me that, without outlawing anything, we could require simple disclosure. That might have some kind of preventative effect. We could also, could we not, require advertisers to say, make a public statement, say, every month, that: "The Blokes Corporation has sponsored programming during the preceding month that had 13,000 violent deaths, and 2,000 rapes," and however you want to word it? We could do that, could we not?

Attorney General RENO. You could do that. As you get into all of these reporting issues, you are going to get into: What should be reported, and what should not? What is gratuitous violence? Do you report all violence? How is it done? What is violence?

Senator DANFORTH. Right.

Attorney General RENO. It could be constitutionally structured.

Senator DANFORTH. It could be constitutionally structured. But, at the very least, we know what we are talking about. I mean, we know that cutting somebody in half with a chainsaw is, creates the kind of problem you are testifying about?

Attorney General RENO. Absolutely.

Senator DANFORTH. So, if we only wanted to do that, if we only wanted to say, "If you are going to have somebody cut in half with a chainsaw, you have to disclose that," that would be a pretty simple matter, would it not?

Attorney General RENO. Yes.

Senator DANFORTH. I have always felt that disclosure is important. This committee, a number of years ago, was responsible for legislation that required ontime performance of airlines to be reported, every month. That is all we said, "Just disclose it. What is your ontime record?"

We believed, and I believe now, that that had a very positive effect. Why? Because it simply required the assumption of responsibility by the airlines for announcing to the public what they were about.

Would it seem to you that it would be a positive thing: For those responsible, whether they are in the motion picture industry or the television industry, or whether they are businesses buying advertising time, to simply state to the public, in effect, "We are responsible for bringing into the American home, *x* number of violent deaths last month"?

Attorney General RENO. Yes, I think it would be very positive.

Senator DANFORTH. Thank you very much.

The CHAIRMAN. The chair has Exon, Burns, Dorgan, Kerry, Gorton, Hutchison, Pressler, Lott, Bryan, Mathews and Robb. Senator Kerry excused himself momentarily, realizing this order, and is going to come back. Next is Senator Burns. No, excuse me, Senator Exon. I apologize, Senator Exon.

Senator EXON. Mr. Chairman, thank you very much. General, thank you for being here this morning. You have already heard, on the previous testimony previous to yours, and the questions from the members of the Senate, that we are continually hung up on this matter of "censorship"; the "First Amendment Rights"; and so forth and so on.

I am not a lawyer, but I do not believe that the framers of the Constitution ever envisioned that their document, written for freedom, written in the blood of the Revolution, ever intended protection for pornographers or the purveyors of a steady stream of violence.

I know that it is not popular, but I still talk about, not only violence, but sex; and if you will look at what we see today, they are interrelated, and I think one problem is almost as bad as the other, or vice versa.

Let me ask you this: Why is it that we cannot come to some resolution—and you have indicated, in your response to questions already, that you believe that there are some things that we can and cannot do—and still meet the constitutional requirement? Do you believe that certain portions of the legal community may have overinfluenced the courts, and maybe, public opinion; and maybe that has to be turned around before we can really address this?

We can talk all we want about voluntary compliance and things of that nature. What is driving sex and violence in the media today, in my opinion, is the almighty buck. And that is going to continue, unless we have the courage to do something about it. And every time somebody says, "Oh, you cannot, that is censorship; oh, you cannot do that, that is a violation of the first amendment," I happen to feel, as a nonlawyer, that that first amendment has been so thwarted and developed over the years, that maybe we are in a defensive position rather than a legitimate offensive position, in trying to straighten this out.

Attorney General RENO. No, sir. I think you are in an offensive position. As I have testified, I think the three bills that are specifically under consideration here today are constitutional and would pass first amendment muster.

Senator EXON. What do you think, then, about getting over into the related matter of sex; the effectiveness of the pornographers and their highly paid lawyers, who, I think, have scared to death even the boards of directors of our public libraries?

We had a recent controversy in Nebraska, where Madonna's sex book, that I have not seen but I have read reports of it, must, under the direction of the library board in one Nebraska community, under the Freedom of Information Act, must be maintained in the library. Is that a legitimate, in your opinion, protection offered the library board, under the first amendment?

Attorney General RENO. I would have to analyze that, sir, and consider that book; but with respect to sex and violence, I think there are connections. I think what you have raised, however, would be one of the issues that would have to be addressed, in terms of what is violence, and how it would be characterized in the legislation.

Senator EXON. Let me say this, Mr. Chairman, that I happen to feel that, while many of us here are very much concerned about this, I am not sure that we have a full understanding of what the majority of our constituents think about this.

I recently had a discussion with a very major mogul in the media—television, cable, they are also in the matter of producing pictures—who said to me when I asked him what he thought about the violence and sex on television, he said, "I am very much concerned about it." I said, "Do you have children?" "Yes, two teenagers." "What is your rule?" "We have very strict rules, as to what they can and cannot watch; when they can have television on, and when they cannot."

I said, "What happens, when they go next door?" He said, "I suppose they watch it." He said, "I feel exactly as you do about this, Senator; but the problems are that in our industry the public sets the standards of what they want to see. Despite what you and I think is right or wrong, time after time, we have shown that the people want violence and they want sex on their television screens." And, he said, "After all, that is the, what we are doing is following the will of the people in our programming."

Do you think that is an accurate description of what people want today?

Attorney General RENO. All I can tell you is from my experience in Miami before I came to Washington, when I spoke to different

groups, small groups, community groups, condominium leaders, PTA's, everywhere I went and addressed the issue, and now, as I talk to various groups of a larger constituency throughout the country. When I say, "Look, you can have a voice in this. Let your advertisers know that you do not want this violence on TV at times that children can be watching it," the room just bursts into applause.

That is not a very scientific polltaking, but I think the American people are sick and fed up with violence on TV. I think these kids—there may have been classroom discussion that led to these letters—but kids are asking me the same thing: "Why do we have this violence on TV?"

Yes, we are in danger of losing some of our generation, but most children just want a good life, a life free of violence. So, it is not scientific, Senator; but I think the people are sending the message.

Senator EXON. Well, my time is up; but I certainly hope that we are right. I think we should do something about it. I hope, and I would advise my colleagues that I suspect we are going to be in all kinds of difficulties with being accused of censorship and first amendment rights, unless somehow we can make a definition between what we have to do to protect our very young, our children, our grandchildren; as opposed to adults.

And it seems to me, being a nonlawyer, that we might be able to do something in that area; or I think we are going to run into all kinds of difficulty if we try and go across the board with this.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Burns.

Senator BURNS. Thank you, Mr. Chairman. I want to continue along the line of Senator Exon; and thank you for coming this morning. But I—along that line, have we defined "violence"?

Attorney General RENO. I think that the issue of what violence is will be one of the subjects of debate as you consider any such legislation; and how you define violence, how you eliminate gratuitous violence but permit the demonstration of news-related violence. That will be one of the issues that will have to be addressed.

Senator BURNS. You see, I saw a wonderful little movie last night; and I would recommend it to anybody. But boy, there was violence in it. And it was called, "Rudy." A great story and—that is, if you like football and you like Notre Dame, you will cry all the way through that thing. Now, I am not a great Notre Dame fan, but that does not make any difference. I can sure relate to that.

And so I am saying, we are going to have to identify or define violence; and also, going along the constitutional thing, in content, is there a difference between content regulation, is there a distinction between over-the-air broadcast and cable? Or is there a difference? Is the first amendment defined differently, for cable; and now, Cable Telco, as it has been ruled in the Bell Atlantic? And is it redefined again, for print?

Attorney General RENO. I think, as Justice Stevens has pointed out in consideration of broadcasting networks and the opportunity to come into a living room unbidden, if you will, that there is a distinction.

Senator BURNS. There is a difference between broadcast over the air, and the way it is regarded for cable, and the difference that would be for print?

Attorney General RENO. I think so.

Senator BURNS. Now, to go back to this thing, and of course, we hear from our constituents at home that yes, something should be done.

I am wondering, of all the groups in America—and we were talking about it a while ago, the American Psychological Society or Association, whatever their group is; and I am sorry, I did not pick up on that—do you know if they have gone to the broadcast industry or to the programmers, and sat down with those folks and said, "We have got a problem here, and we would like to work with you to come to some resolution"?

Attorney General RENO. Senator, here is the report of the Commission on Youth and Violence of the American Psychological Association, that met from 1991 to 1993, and it indicates extensive hearings. I do not know the specific answer to your question.

Senator BURNS. It would seem to me that we get bombarded through the mail; and I am going to say, has the National Education Association, has the NEA walked in and said, "We have got problems in our schools"; and said, "Broadcasters, programmers, help us"?

Attorney General RENO. Senator, I do not think that is necessary; because frankly, the representatives of the industry came to me the other day and said, "We are not going to argue any more over whether there is a problem. If there is even a suggestion that there is a problem, we want to try to do something about it." I think we have passed that.

Senator BURNS. Well, I was wondering, because those groups have a great deal of clout in their community, such as AFL–CIO and NEA, and those groups. It looks like as if they would come in to the broadcasters and the programmers, and would sit down and say, "We have got a problem, and we need to iron it out," that it could be done without anybody even talking about, you know, possible first amendment violation.

Attorney General RENO. Well, the representatives of the industry, some of whom I have seen this morning, can correct me if I am wrong. But what they said to me when they met with me is, they are already beginning to feel the pressure from throughout America because people do write and they are letting them know. They are letting them know what kind of content they want.

What I have said since coming to Washington is that anytime you can sit down and discuss a problem and try to work out an appropriate solution, that is the best way to do it.

Senator BURNS. That is the way I would prefer it; but it may take other actions here. And of course, we all have to be sensitive about this situation. Thank you for coming this morning.

Attorney General RENO. I would say this, Senator. If I had known how many times that they had come in and said, "We want to try to do better," I would like to have known that, so I could say, "What did you do after this one? And what did you do after that?"

Senator BURNS. I would tend to agree with you. Thank you very much.

The CHAIRMAN. Very good. Let me, by record, apologize to Senator Stevens. He is our valued member, very interested in this particular subject; would be here, but he is also the ranking member on the Defense Appropriations and, with Senator Inouye, handling that bill on the floor. And that is why he could not be present. Senator Dorgan.

Senator DORGAN. Thank you very much. Attorney General Reno, thank you very much for your testimony. In June, you gave a speech in Boston that was reported in the Washington Post; and let me read the piece in the Washington Post: "She got some of her heartiest applause when she called for a consumer boycott against companies that use violence to advertise their products."

Senator DANFORTH. Do you generally feel that way?

Attorney General RENO. Yes. I mean, that is what I was referring to when I responded to Senator Exon. That is what I have proposed; because I was not in the position of making great legislative recommendations back in Miami. And I said, "I just have the sense, if the American people, if children throughout America started letting their voice be heard—like we used to with the March of Dimes, when we collected dimes and sent it off, and we were doing something good, and contributing—I think you would hear from an awful lot of children in America. And I think, to advertisers and to the industry, it is both important."

I think one of the problems is again, however, in terms of cable, in terms of VCR's, in terms of the whole industry, it is going to go beyond that issue.

Senator DORGAN. Let me demonstrate something here. If you believe we should send a message to companies who use violence to advertise their products, that is a belief I share, and it is part and parcel of the legislation I have introduced to try to develop that information, but let me demonstrate something to you, if I might.

This is a room full of reasonably bright people, men and women probably much better educated than the country at large. Does anybody in this room have any information about which enterprises, which commercial enterprises, which corporations in America are sponsoring the most violence? Does anybody have any names or any evidence of who is sponsoring excessive violence on television?

I am guessing no one does. I certainly do not, and that is the point. If you believe and I believe that democracy starts from the bottom up, and we should send market messages to those who sponsor this violence in advertising their products, then we need to give people, give parents, give consumers information with which to act on that. There is no information available, and I think we have demonstrated that in this room. There is no information available.

Concordia College is doing a demonstration project for me to develop a demonstration television violence report card, surveying 300 hours, 1 week of television, to say which are the most violent programs and who is sponsoring them. That will be one demonstration project for 1 week.

There are a couple of organizations that have done this in the past on an occasional basis, but there is no information on a systematic basis available to people to give them that information.

Now, let me make another point. Incidentally, I strongly share your view on that. When I grew up, and others on the panel, in the early days of television we watched Roy Rogers and Gene Autry, and they shot people. They were generally shooting bad people, and then they would stop to sing a few musical interludes, then they would get on their horse and shoot some more. But there is a different kind of violence these days on television, a pervasive, systematic violence, as Senator Simon described, about cutting people up with chain saws.

Now, most of us deal with this not in the abstract. I have a 6- and a 4-year-old, and I am telling you as a parent it is very hard to supervise children's viewing habits when in the middle of prime time and family time on networks we see increasingly violent television, television such that we often have to try to turn the television off.

We do not quite know when it is coming, but we see something, we think, how can we deal with this? You turn the set off so kids do not see it at 7, 7:30 in the evening, and that is the problem. It is not that this stuff cannot be seen.

I do not believe Government ought to say, "Here is what can or cannot be seen or said or broadcast." I do not believe in that, but I do believe there ought to be some safe harbor, some times when your children are not going to be exposed to this.

This is not about people with dark suits kicking around others in Hollywood and in the arts who are producing. This is about trying to find ways that the mass media, the television, can be used constructively to also protect our children, and so you are challenging in your statement today the industry, and you are saying to the industry, "Look, you need to do these things yourselves."

You have said in your statement you would like the industry to do what I have suggested the FCC do in my legislation, create a listing of which are the most violent programs and who is sponsoring them. The weakness I see with that is that it is asking the perpetrators to be the evaluators.

But setting that aside, if after 40 years when the Senate had committee hearings across the country on this subject, and if after the last decade, when violence tripled, and if after seeing for 40 years not much action to really respond to this question, if the industry does not rise to challenge, what are the set of actions that might be available, in your judgment, for you to recommend that we respond to, or for us to respond? What are the set of actions if industry does not rise to your challenge?

Attorney General RENO. As I suggested, if industry does not respond and I think Senator Simon's date is a very good date—not just with how it would do it but with a monitoring capability for doing it—because it is going to have to do the report card anyway, or somebody else will have to do it—then I think all three pieces of legislation that are directly before you today represent very good initiatives and could probably be combined. We would be happy to work with you in trying to develop the most effective effort possible along with definitions, which I think will be one of the issues that must be addressed.

Senator DORGAN. And you think the administration or the Attorney General might be prepared to be supportive of one or all of

these pieces of legislation combined in order to address this, if the industry does not meet this challenge?

Attorney General RENO. Yes. Again, I point out to you, though, you can do a lot in terms of reporting on cable, but you look at how VCR's have become also a pervasive force for entertainment, and there is no simple solution.

The CHAIRMAN. The record should show that our colleague, Senator Breaux, had to be at an important markup before Finance and is properly excused.

Senator Kerry.

Senator KERRY. Thank you very much, Mr. Chairman. General, thank you for your testimony and for calling attention, obviously, to your concern about kids, and I think you have done a good job of that in other respects.

I am interested in a couple of things. I want to first of all clarify, you see no constitutional infringement at all in any of the proposals that are currently before the committee; is that correct?

Attorney General RENO. The three bills we specifically looked at were Senate bill 1383, the Children's Protection from Violent Programming Act, Senate bill 973, the Television Violence Report Card Act, and Senate bill 943, introduced by Senator Durenberger.

Senator KERRY. Right. Now, even with respect to a so-called safe harbor period, you see no limitations or infringements in the context of restricting what adults might see? I mean, there is a tradeoff there. Is that a State compelling interest?

Attorney General RENO. I think there is a sufficiently compelling interest, and I think Judge Stevens spelled it out in *Pacifica*.

Senator KERRY. Now, here in Washington, if Jay Leno is not working for you you can switch quickly over to, I think it is channel 5, and pick up cops running around with people at night, intruding into homes, arresting people crying, all these kinds of things that seem to titillate. Why are cops being allowed to do that? I mean, there is an amazing amount of cooperation in the making of that. Why, if it is not good, are they permitted to allow these people to follow them into the homes and everywhere else?

Attorney General RENO. That is one of the first issues I addressed when I took office, because I had made it a practice to avoid such situations like that in Miami. I have taken steps to try to make sure that the Department complies with the thought that police, or at least agents of the Department, should not be involved in such efforts.

Senator KERRY. I know you cannot mandate it with respect to our local police, et cetera, but have you taken some kind of step with the Police Chiefs Association and others around the country?

Attorney General RENO. I have not addressed that with the police chiefs. I am trying to address it with my own office first, before I start intruding my thoughts on other people.

Senator KERRY. Now, I do not want to be the skunk at the picnic, so to speak, but a lot of questions have been asked about television violence, and indeed we are going to hear from some experts on television violence.

I really applaud what you have said and your presence on this. Having the Attorney General of the United States front and square on this is important, and it has not happened previously, and clear-

ly that makes a difference, but your greatest area of capacity to impact all of this is really on the criminal justice system itself, and I would ask you if you are satisfied with the crime bill that has come before the Senate.

Attorney General RENO. We will see how it evolves. One of the things that I am committed to is to making sure that we get those community police on the streets in ways that can really help communities, that there is funding to go with it.

I will tell you, Senator, that one of the most frustrating experiences in law enforcement in my 15 years was to hear in big, bold headlines, "Senate authorizes $50 million for." Then I would call my Senators to find out in a couple of months what happened to the $50 million that had been authorized, and I was suddenly advised that there was something called an appropriation that was different from an authorization, and I never understood that.

One of the things that I am dedicated to trying to do is to make sure that anything the Department of Justice has anything to do with, when we say it is authorized, has money to go with it, and that I do not puff something that does not have the dollars behind it.

Senator KERRY. Well, I know there is that concern, General, and I applaud you for underscoring the difference, but I want to implore you today—and I do it nicely, but I am going to say to you that this bill is totally inadequate, and it is inadequate partly because the administration has not asked for resources.

To have a shift to drug treatment and education which has no additional resources is not to be changing the equation, and we all know that if the administration is not there, asking for a certain amount of money, our appropriators are not going to struggle to provide it. There has got to be a joint effort.

Now, I am not an appropriator. Sometimes I wish I was, sometimes I am happy I am not, but you have mentioned most appropriately—and I know you care about these things. I know you want these things to happen. You have talked about cops on the street, about a comprehensive effort, about prison to boot camps, no excuse if there is not any punishment, comprehensive prevention effort, freeing teachers' time, programs for afternoon and evenings, about truancy prevention.

We have got to prevent violence in America. We have heard people say we must do something about it, and they see nothing being done about it. I want to suggest to you respectfully, this crime bill is not going to do it, and I am sorry to switch the subject to that, Mr. Chairman, but I think it is part of this response to violence.

If we are only putting 50,000 cops on the street, and if you divide the $650 million by $45,000 average price of cops in the country, you will only get $15,000 a cop, so I am not sure how we get 50,000, but I see it as a major problem.

I hope in the next days—and I have been in touch with the White House on this. I hope in the next days we can work to come up with a crime bill that frankly is more responsive, so that we are doing our part.

Attorney General RENO. Senator, I am somebody who watched the Federal Government talk a lot over the years about doing things, and talk about putting money into it. What they would do

was pass CETA acts that say you have to spend all this money within a certain period of time, and if you do not spend it, you lose it—or you have to spend all of this money in this way, and if you do not do it, you do not get it.

I would invite you to sit down with us and tell us just how you want it designed. But most importantly, I invite you to sit down with police chiefs and with people in communities, with mayors, and others who are concerned, and listen to them tell how these moneys need to be freed up.

The single most important thing that you can do, now that you have put your finger on this issue, is let communities use the money in ways that reflect their needs and resources—instead of micromanaging from Congress in an area where Congress does not know what community programs exist and what the needs are. In some communities you have communities that have spent money for police, in others they have not. In some communities they want the money for policing, in other communities they want it for something else.

I think the important thing is to take the vast billions that the Federal Government is spending, form a partnership with communities and States throughout this Nation, make sure that the moneys are spent right the first time, and then let us start adding every dollar we can.

If we do not now have enough prison cells in America to house the truly dangerous people, it makes no sense now for people in Florida to get out in 20 to 30 percent of the length of their sentence when you have a nonviolent first offender—who was not armed and who was a low-level participant in a drug deal—sitting there for 10 years while somebody is getting out in 2. That is happening across the Nation.

So, let us make sure our prison cells are used right the first time, for the truly dangerous. Let us make sure that our programs are designed for the juveniles. Let us work with State and local officials to make sure the dollars are spent right, and then I will be with you every step of the way for more that is needed.

Senator KERRY. Well, General, I would like to sit down with you in the next days. I would have—just last week I met with all our DA's and the police commissioner of Boston. I have been doing that for a long time. Like you, I am a former prosecutor, and I remember what we had to prosecute with a few years ago. That has been grotesquely diminished.

We have probation officers who cannot supervise kids, and you know that, we have intervention programs that cannot intervene, and we could in fact do these things. I do have a plan, and Senator Dorgan and I and Senator Kent Conrad and Mikulski and others have been meeting on this. It is going to require spending resources. But you know, we passed a $9.6 billion bill last year, and now we are only being asked to spend——

The CHAIRMAN. I would ask the distinguished gentleman to withhold. You know, each member to his own taste.

Senator KERRY. I understand, Mr. Chairman.

The CHAIRMAN. You know, we can talk about the crime bill or whatever alligator she wrestled.

Senator KERRY. I think the reason I raise the issue, Mr. Chairman, is because fair is fair. You cannot deal with TV violence if the system is not also responding.

This is an issue of art imitating life and life imitating art. In fairness here, we have got to do our part, too, and I raise the issue because I think it is time for us to take advantage of this focus on violence and have a real response. I would feel absolutely as if I were shirking my duty if I did not try to raise this thing to a different tier of attention in the next few days with the crime bill coming up.

The CHAIRMAN. Well, you know better than I, we are limited here to the television violence. Senator Gorton.

Senator GORTON. You have told us that in your view each of the three Senate bills before this committee will pass constitutional muster, and I must say that I agree with you.

In that connection, in the memorandum I have here, there are also four House bills, one by Congressman Markey, one by Schumet, one by Kennedy, and one by Bryant. Have you also analyzed those three for constitutional infirmities or validity?

Attorney General RENO. We may have, Senator, but I would like to be more precise and make sure that I can accurately reflect for you our findings. What we specifically addressed were the three bills that we were told would be the focus of this discussion this morning.

Senator GORTON. Fine. I would appreciate your views on that. There is one, the one by Congressman Bryant, that could have some constitutional problems. I think the others you will find to be easily constitutional. That was simply a prelude to the question I have.

As I look over the seven of those bills, they fall into maybe three or four categories. One is just for another commission and a study, and so I think we can dismiss that one at this point.

Some, including Congressman Bryant's and to a certain extent Chairman Hollings, deal with content, or at least content at a given time during the course of the day. Most of the others deal primarily with notice or with publicity. Senator Dorgan's does, Senator Durenberger's does in a somewhat different fashion. The Kennedy bill in the House falls into that category, and one, Congressman Markey, deals with technology, the so-called computer chip.

You have testified generally in favor of the kind of content in each of the House proposals. I would be interested in any insights that you might have, assuming constitutionality, as to the relative value of these three kinds of approaches.

Obviously, our goal is to reduce violence in our society, hoping that a reduction of violence on television would have that impact at least over the long range.

If we could only go in one of these directions, if we could only secure consensus in one of these directions, would you tend to favor, you know, the publicity type of proposals which Senator Dorgan has and which I gather Senator Danforth implied that he preferred, notice provisions, would you want to go further and say something about content, or at least content in a given time period, as Senator Hollings does, or do you find something which empow-

ers parents in the form of the Markey computer chip bill to be the one that you would feel to be most effective?

Attorney General RENO. I think reporting is extremely important. As Senator Dorgan pointed out, many people do not know who is advertising what. And I think it would have a very salutary effect if a prominent business in America was suddenly revealed to be significantly advertising violence on television. I think that that could work very effectively.

At the same time, in terms of content during viewing hours, there are an awful lot of children who are not supervised. I still do not understand the technology of the chip, in terms of what it is going to exclude and what it is not.

Senator GORTON. Well, let us presume it is totally effective; that it can exclude anything parents want to exclude. Let us assume its technological usefulness.

Attorney General RENO. That could certainly have a salutary effect. But I think a lot of the children that we are talking about are children whose parents are indifferent to the whole situation.

Senator GORTON. Exactly. It empowers those parents who are probably already doing the best job.

Attorney General RENO. That is correct.

Senator GORTON. So, you would rank that No. 3, I take it, of these approaches?

Attorney General RENO. I think there are an awful lot of very dedicated, hardworking parents who are working or who do not have the money for proper supervision of their children, and I think a chip could be very effective for parents who really wanted to try their level best. But then you have the situation, and I am not trying to complicate the issue, of the children that go next door.

I can remember we used to—we lived so far out in the country we could not sneak off next door to watch the television, but we used to love to go to my grandmother's so we could watch the television.

So, you are not going to have a control there. And I think that is the reason it is important, as Senator Simon suggests, that if immediate action is not taken, that we sit down and see what we can construct, recognizing all these possibilities.

Senator GORTON. I thank you for that refreshing testimony and for the offer of help. But there is no question but that your views on this subject can have a very real influence on this committee.

The CHAIRMAN. Very good.

Incidentally, General Reno, the measures that Senator Gorton has asked about, they are not before the Senate, but he is correct, we are very much interested in them. And if you could review those bills and give us your opinion, we would appreciate it very much.

Attorney General RENO. We will do so immediately, Mr. Chairman.

The CHAIRMAN. Very good.

Senator Pressler.

Senator PRESSLER. We very much appreciate your presence here; I think it shows great support, and I think it makes a big difference. Following up on one of Senator Gorton's questions about the constitutionality of the various bills floating around, I understand that safe harbor regulations similar to those proposed by my

colleague, Senator Hollings, have previously been struck down by the DC Court of Appeals.

What has changed, or what makes you think that the safe harbor period of time, would be constitutional?

Attorney General RENO. I do not know which decision you refer to, Senator, and I will be happy to check that out for you and get back to you specifically. But the decision we are relying on is the *Pacifica* decision.

Senator PRESSLER. OK, yes. All right.

I guess in this whole area there is a tough line to be drawn. Recently, I had occasion to visit the women's shelters in South Dakota, my home State. Violence against women, and women who are forced to go into shelters are serious problems. If you were to make a movie or a television presentation—a true presentation about their lives—it would have to include a certain level of violence.

When we are in Washington, DC, we live on Capitol Hill, and of course we read about the violence in the Nation's capital. If one were to make a movie about the life in a day of a person living in many neighborhoods of Washington, DC, it would probably have to include some violence.

How do you see a line being drawn between showing what is accurately happening in our society and violence on television?

Attorney General RENO. I think you distinguish between entertainment and between news. I think, as I have already suggested to a number of members of the committee, definition will be one of the critical issues that would be faced in this situation. But I think it is possible to define the issue so that gratuitous violence that does not relate to any newsworthy issue is prohibited during the safe harbor hours.

Senator PRESSLER. What responsibilities can individual citizens take in this area if the Government does not act? What can citizens do?

I have already pointed out that, in my judgment, there is a lot of transferring of the blame on this issue. The same seems true in international relations. Whenever I travel abroad as a Senator, it seems in every country that we go to, the United States gets blamed for everything.

This morning I had a meeting, in fact, and we were blamed for the violence in one country because we had not acted. I said, "My word, how can that be? You know, the United States cannot be blamed for everything."

On an individual basis, we also tend to want to blame any problem on somebody else. It is true that if there are movies with a lot of violence, many people go. They are voting when they buy the tickets.

What can individuals do, meanwhile? Of course, parents can tell their children not to watch television or restrict their viewing. But a friend of mine said his children watch Nickelodeon, all the old Ozzie and Harriet shows, but the ads that come on advertising the movies have a lot of violence in them. So, there seems to be no escape.

What individual responsibility would you recommend people take if the Government does not act, or if the television people do not act?

Attorney General RENO. You correctly note our tendency to blame someone else. But when it comes to children, you cannot blame that very small child, and so we have to look at those that surround them. Clearly, the parent that is concerned can make sure that they know what their child is doing.

I remember my mother was building the house across the field, and she would walk back almost on an hourly basis to make sure of what we were doing, and she was not that far away from us. Or she would bring us over if we were not properly behaving ourselves and make sure that we played around where she was building the house.

For parents who have to work, I think that rather than having two of the newest and fanciest cars, they could pay a little bit more for child care after school or in the evening. I think so many of us can volunteer in programs providing for after school and evening programs, in terms of both recreation and other ways.

There are so many things that we can do. I just think it is very important to reflect the positive. There are so many positive things happening throughout America, particularly in communities, with police officers who are working on soccer teams after they get off their shifts, as coach of the soccer team; teachers who are spending extra hours after school to tutor a kid free of charge; young businessmen who are volunteering their time. There is so much that is happening.

Children are so strong if we give them half a fighting chance. And I think if all of us recognize that we can make a difference in the lives of people we are responsible for; that we can do something about it.

There is a tendency, I think, to be a little overwhelmed; but I see more and more examples of American people saying, "Wait a minute, I can control this. I can have a voice in what is going to happen."

Senator PRESSLER. Thank you very much. I see my time is up. I want to thank you for your interest. I guess we all agree that there should be, and we hope there is, less violence. It is just a matter of how we accomplish that objective within our Constitution, and also within things that are reflective of American society.

Thank you very much.

The CHAIRMAN. Thank you, Senator.

Senator Mathews.

Senator MATHEWS. Thank you, Mr. Chairman.

General Reno, thanks for being with us today. I will try to be short, because I know that your time is quite valuable here.

Let me begin by saying that there is no question in my mind that a displaying of violence on television to children of an impressionable age can be pretty devastating. I think it was CNN this morning that recounted the two young men, one of whom was killed and the other one injured severely by pulling this trick of lying down in the middle of traffic while traffic was whizzing by on all sides. These are the type of things, I think, that the public is concerned about, you are concerned about, and this committee is concerned about—how do we cope with this violence without infringing upon the rights of people?

I guess I want to come at it from a little different angle here, in the sense of if we are going to do something about it, who do we hold accountable for that which is happening? Do we say to the networks you cannot broadcast anything that is violent? Do we say to the screenwriters, you cannot write anything that is violent? Do we say to the filmmakers you cannot make it? Do we say to the cable networks you cannot transmit it? Do we say to the advertisers you cannot support it? Or do we say to the public no longer can you watch it?

I tend to, I guess, maybe side with Senator Exon a little bit when he raised the question that these industries are not in the business to lose money. If they were not making money, in terms of what they were doing, they would switch to something else.

When we got to the point that we said pornography is not acceptable, we as a Nation stopped. I mean, we have pretty well driven it off the top of the table. I think we have reached the conclusion that nudity is not something that we want to be shown on television. We have dealt with that. It is there for those who want it, but it is not generally available for kids to watch.

And I guess my question and the position I find myself in is who do we hold accountable? How do we go about it? Because the advertisers, I do not think we stop the problem with the advertisers as long as the people are watching and buying the product.

Let me stop there for a moment.

Attorney General RENO. Senator, I think we hold everyone accountable. We hold ourselves accountable when we buy something that regularly advertises violence. And Senator Dorgan's suggestion of letting people know who is advertising it might have a very salutary effect.

I think we hold the entertainment industry responsible. I think we hold parents responsible. And I think we hold schools responsible, attorneys general and senators. We are all in this together, and there is going to be no one key that helps to solve the problem.

I would point out, though, that in terms of violence, there is something that we have got to understand, and it goes back to how you distinguish between what is news and what is entertainment. But the little examples of violence that I have seen always have somebody killed and nobody mourning.

You do not know what it is like unless you have been a prosecutor for 15 years and watched survivor after survivor come in and describe the murder that took place before their eyes or talk to the little girl whose friend was shot right by her and understand the scars. And you never see that on television in terms of entertainment.

I think that when it comes to something like violence, you have got to put it in the most realistic terms possible, and the show agony that it conveys. And I do not think we are doing that.

So, we have got to hold everyone responsible.

Senator MATHEWS. My general impression, I guess, that we, as a public, can turn it off when we get ready to turn it off. Apparently, we have not reached that yet. And in some way, we are trying to kid ourselves, it appears to me, in that we want to deny our children the right to see something we think could be harmful for them, but we are not ready to take it off of television altogether.

I mean I believe we have got to reach a different position in our minds. We have got to pinpoint either this is an acceptable medium or it is not acceptable.

Attorney General RENO. Senator, it comes back again, though, to how much can you hold children responsible. My mother always used to tell us when we got to be about 12 years old that we were old enough to be responsible for what we were going to do; and that she was going to hold us to it and we could not blame our parents.

So, there reaches a certain point where you have to hold children responsible. But I think one of the critical, critical problems that we face in America today is that there are a whole, vast number of children that do not have parents either with the skills, the maturity, the wisdom, or the desire to really take care of their children and raise them the way they should be raised—nurtured, loved, guided, limited, and punished appropriately.

And we see the results in so many different situations. I think that crime, drugs, teen pregnancy, youth gangs, dropouts—this whole pervasive youth violence that we see—are symptoms of America having too often forgotten and neglected its children. I do not think you were here in my opening remarks when I said television violence is just one small piece of a much larger picture. And the first thing I started with was making sure that our parents were old enough, wise enough, and financially able enough to take care of their children and that they had the will to do it.

Senator MATHEWS. Thank you.

I was not here. I was presiding from 10 until 11 o'clock this morning, and I apologize for not being present. But I am delighted that you are involved in this. I am delighted that you are finding these measures to be acceptable and ones that we can pursue. And I just want to pledge my supporting in working with you and with this committee here to get the job done.

The CHAIRMAN. Very good.

General Reno, we are very grateful for your appearance here this morning. And the record will remain open for further questions, if you do not mind.

Thank you very, very much.

Attorney General RENO. Thank you, Mr. Chairman.

The CHAIRMAN. I am going to hasten along, because we have got another vote, perhaps, coming up. So, if we can keep it relatively calm while these folks come forward, please, Dr. Edward Donnerstein, professor of the department of communication, University of California; Dr. Robert E. Gould, the chairman of the National Coalition on TV Violence; Ms. Catherine A. Belter, the vice president for legislative activity for the National Parent-Teacher Association; the distinguished actress, Ms. Lindsay Wagner, of Pacific Palisades; and Ms. Gael T. Davis, the president of the East Side Section of the National Council of Negro Women; and Dr. Paul J. Dovre of Concordia College.

I am going to start as they are listed here. We have the prepared statements of the distinguished panelists, and they will all be entered in the record in their entirety.

Dr. Donnerstein, and you can summarize and highlight it, please.

STATEMENT OF EDWARD DONNERSTEIN, Ph.D., PROFESSOR, DEPARTMENT OF COMMUNICATION, UNIVERSITY OF CALIFORNIA

Dr. DONNERSTEIN. Mr. Chairman and members of the committee, I am pleased to have the opportunity to appear on behalf of the American Psychological Association to discuss the status of research on the effects of televised violence. I am Dr. Edward Donnerstein, a psychologist and professor at the University of California.

I have served on the American Psychological Association's Task Force on Television and Society, Surgeon General C. Everett Koop's Task Force on Pornography, and during the last 2 years the American Psychological Association's Commission on Violence and Youth. The primary purpose of this most recent commission was to bring psychological knowledge to bear on the national problem of violence involving youth.

Throughout our discussions as a commission, and the hearings which we held, there were many recurrent themes which tended to surface as factors related to youth violence. Concerns about drugs, gangs, weapons, as well as economic and political concerns were all, along with many other factors, raised by this investigation.

Cutting across many of these factors was the involvement of the mass media, particularly television and film, in the development, maintenance, and facilitation of aggression among our youth. The mere presence of violence in the media, the lack of nonviolent role models, the constant imaging of a society where the good life can and must be attained, and the media portrayal of aggression as a means to solve conflict were very much in the minds of many of the young people with whom we spoke.

In many ways we should not be surprised at the suggested relation by these youth between exposure to the mass media and subsequent aggressive behavior. It is one of those areas within the academic community that we have studied for decades. It is also one of those areas where there is a great deal of consensus, save a few, as to the direction, magnitude, and reasons for an association between the mass media and violence.

Over the last few decades the academic community has produced exhaustive reviews of the best available evidence on the relation between exposure to violence in the media and aggressive behavior. These reports commissioned, for example, by the Surgeon General, National Institutes of Mental Health, and most recently American Psychological Association, Centers for Disease Control, National Academy of Sciences, have all been consistent in their conclusions. For the last 20 years there has been one overriding finding; the mass media are contributors to the aggressive behavior and, in particular, aggression-related attitudes of many children, adolescents, and adults.

In August of this year the American Psychological Association issued its report, which we have given to your staff, John Windhausen. What did we conclude after our long and careful review of the research on media violence?

One, nearly 4 decades of research on television viewing and other media have documented the almost universal exposure of children to high levels of media violence, which we have already heard

about this morning. Television, however, is much different today than it was a decade ago. Today the average viewer has access to numerous program channels, including very specialized pay cable stations. In addition, the introduction of VCR's, video on demand, direct satellite broadcast, has also changed the types of media which we can now view in our own homes.

It is obvious that children and adults are exposed to different types of programs on cable than that available on commercial television. Consequently, when we consider such issues as violence on television, it would seem appropriate to take into account the types of media individuals may be viewing beyond normal commercial television.

Second, there is absolutely no doubt that higher levels of viewing violence in the mass media are correlated with increased acceptance of aggressive attitudes and increased aggressive behavior.

Third, children's exposure to violence in the mass media, particularly at young ages, can have lifelong consequences. Aggressive habits learned early in life are the foundation for later behavior.

Fourth, in addition to increasing violent behavior toward others, viewing violence in the media changes attitudes and behavior toward violence in significant ways. Even those who do not themselves increase their violent behaviors are significantly affected by their viewing of violence in a number of ways. One, viewing violence increases fear of becoming a victim of violence. Two, viewing violence increases desensitization to violence, resulting in callous attitudes toward violence directed at others. And three, viewing violence increases viewers' appetites for becoming involved with violence.

The fifth conclusion we reached as a commission was that in explicit depictions of sexual violence, primarily in R-rated films, messages about violence against women appear to affect the attitudes of adolescents about rape and violence toward women. Films that depict women as willingly being raped have been shown to increase men's beliefs that women desire rape and deserve sexual abuse. Male youth who view sexualized violence or depictions of rape are more likely to display callous attitudes toward female victims of violence, especially rape.

Finally, the effects of viewing violence can, in fact, be mitigated. Children can be taught critical viewing skills by parents and in the schools, so they can learn to better interpret what they see in television.

In summary, from our review of the research literature, the American Psychological Association Commission on Youth And Violence was confident about certain effects of viewing violence in the mass media.

One, there is increased violence toward others. Two, there is increased fearfulness about becoming a victim of violence. Three, increased callousness toward violence among others, and four, increased self-directed behavior that exposes one to further risk of violence. From this review, the American Psychological Association report did suggest a number of policy recommendations which are attached to my statement.

Finally, relevant to today's hearings, our commission did agree with the chairman that programs depicting excessive violence

should not be shown during child viewing hours of 6 a.m. to 10 p.m.

Thank you for this opportunity to offer this testimony today.

[The prepared statement of Dr. Donnerstein follows:]

PREPARED STATEMENT OF EDWARD DONNERSTEIN, PH.D.

Mr. Chairman and members of the Committee, I am pleased to have the opportunity to appear on behalf of the American Psychological Association to discuss the status of research on the effects of televised violence. I am Dr. Edward Donnerstein, a psychologist and Professor of Communication at the University of California-Santa Barbara. I have served on the American Psychological Association's Task Force on Television and Society, Surgeon General C. Everett Koop's Task Force on Pornography, and during the last two years the American Psychological Association's Commission on Violence and Youth. The primary purpose of this most recent commission of the American Psychological Association was to bring psychological knowledge to bear on the national problem of violence involving youth.

Throughout our discussions as a Commission and the hearings which we held, there were many recurrent themes which tended to surface as factors related to youth violence. Concerns about drugs, gangs, and weapons, as well as economic and political concerns were all (along with many other factors) raised for investigation by this commission. Cutting across many of these factors was the involvement of the mass media, particularly television bind film, in the development, maintenance, and facilitation of aggression among youth. The mere presence of violence in the media, the lack of nonviolent role models, the constant imaging of a society where "the good life" can and must be attained, and the media portrayal of aggression as a means to solve conflict were very much in the minds of many of the young people with whom we spoke.

In many ways, as psychologists, we shouldn't be surprised at the suggested relation by these youth between exposure to the mass media and subsequent aggressive behavior. It is one of those areas within the academic community that we have studied for decades. It is also one of those areas where there is a great deal of consensus (save a few), as to the direction, magnitude, and reasons for an association between the mass media and violence.

Over the last few decades the academic community, particularly psychology, has produced exhaustive reviews of the best available evidence on the relation between exposure to violence in the media and aggressive behavior. These reports commissioned, for example, by the Surgeon General (1972), the National Institutes of Mental Health (1982), the American Psychological Association (1992), the Centers for Disease Control (1991), and the National Academy of Science (1992), have all been consistent in their conclusions. For the last twenty years there has been one overriding finding * * * the mass media are significant contributors to the aggressive behavior and, in particular, aggression-related attitudes of many children, adolescents, and adults.

In August of this year the APA Commission on Violence and Youth issued its report. What did we conclude after our long and careful review of the research on media violence?

1. *Nearly 4 decades of research on television viewing and other media have documented the almost univeraal exposure of American children to high levels of media violence.* It is generally accepted that children watch on the average of 2-4 hours a day of television. By the time a child leaves elementary school they would have seen 8,000 murders and more than 100,000 other acts of violence. As they near the end of their teenage years they have been witness to over 200,000 violent acts within the media (Huston et al., 1992). This figure would actually increase with more exposure to Cable Premium channels or VCR use of R-rated films. Television is much different today than it was a decade or so ago.

Today the average viewer has access to numerous program channels including very specialized "pay cable" (e.g. HBO) stations. In addition, the introduction of VCR's, video on demand, and direct satellite broadcast, has also changed the types of media which we can now view in our own homes. It is obvious that children and adults are exposed to different types of programs on cable than are available on commercial television. Some of this content would be considered positive (i.e. educational and cultural programs), while others might be considered to present negative impacts (i.e. more graphic violence). VCR access also presents its own problem with regard to material now available to children to which they would not otherwise be exposed via commercial television, cinema, and perhaps even cable. Consequently, when we consider such issues as violence on TV, it would seem appro-

priate to take into account the types of media individuals may be viewing beyond normal commercial television.

2. *There is absolutely no doubt that higher levels of viewing violence in the mass media are correlated with increased acceptance of aggressive attitudes and increased aggressive behavior.* In addition, prolonged viewing of media violence can lead to emotional desensitization toward violence.

3. *Children's exposure to violence in the mass media, particularly at young ages, can have lifelong consequences.* Aggressive habits learned early in life are the foundation for later behavior. Aggressive children who have trouble in school and in relating to peers tend to watch more television; the violence they see there, in turn, reinforces their tendency toward aggression. These effects are both short-term and long-lasting.

4. *In addition to increasing violent behaviors toward others, viewing violence on television changes attitudes and behaviors toward violence in significant ways.* Even those who do not themselves increase their violent behaviors are significantly affected by their viewing of violence in three ways:

- Viewing violence increases fear of becoming a victim of violence, with a resultant increase in self-protective behaviors and increased mistrust of others;
- Viewing violence increases desensitization to violence, resulting in calloused attitudes toward violence directed at others and a decreased likelihood of taking action on behalf of the victim when violence occurs (behavioral apathy); and
- Viewing violence increases viewers' appetites for becoming involved with violence or exposing themselves to violence.

5. *In explicit depictions of sexual violence, primarily in R-rated films, it is the messages about violence against women that appear to affect the attitudes of adolescents about rape and violence toward women.* In its 1992 report on televised violence, the APA Task Force on Television and Society addressed the concerns of sexual violence in the media This report and other recent inquiries into media violence have begun to consider the implications of exposure to sexually violent materials due to the opportunities for exposure to such materials within the confines of R-rated cable or VCR viewing. Sexual violence in the media includes explicit sexualized violence against women including rape, images of torture, murder, and mutilation.

Films that depict women as willingly being raped have been shown to increase men's beliefs that women desire rape and deserve sexual abuse. Male youth who view sexualized violence or depictions of rape on television or in film are more likely to display callousness toward female victims of violence, especially rape. Laboratory studies also have shown an increase in men's aggression toward women after exposure to violent sexual displays, as well as increased sexual arousal. In addition, research indicates that these attitude and arousal patterns may have some relationship to actual "real world" aggression toward women (i.e., Malamuth, 1986). Two issues are important, however. The first is that these effects seem to occur for those who already have certain calloused attitudes about rape. Second, these effects can occur without any sexual content. In other words, it is the violence or message about violence which is important, not the sexual nature of the materials.

Finally, we would speculate that stronger effects might be expected for younger viewers because they lack the critical viewing skills and the experience necessary to discount the myths about women and sexual violence. To a young adolescent who is searching for information about sexual relationships, sexual violence in popular films may be a potent formative influence on attitudes toward sexuality. A young teenager's first exposure to sex may come in the form of a mildly erotic but violent movie such as a slasher film. This film would not be restricted because it did not carry an X-rating. It could easily be rented at a video outlet or found on a late-night cable station.

6. *The effects of viewing violence on television can be mitigated.* Children can be taught "critical viewing skills" by parents and in schools so that they learn to better interpret what they see on television. For example, children can learn to distinguish between fictional portrayals and factual presentations. In addition, children can be taught to recognize ways in which violence is portrayed unrealistically (e.g., when it is portrayed without any negative consequences). Children can also learn to think about alternatives to the violence portrayed, a strategy that is particularly effective when an adult viewing the violence with the child expresses disapproval of violence as a means of solving problems and then offers alternatives.

In summary, from our review of the research literature, the APA Commission on Youth and Violence was confident about certain effects of viewing violence in the mass media.

1) increased violence toward others
2) increased fearfulness about becoming a victim of violence
3) increased callousness toward violence among others

4) increased self-directed behavior that exposes one to further risk of violence

From this review the APA report did suggest a number of policy recommendations. Three that are relevant to today's hearing are as follows:

Recommendation 1: We call upon the Federal Communications Commission to review, as a condition for license renewal, the programming and outreach efforts and accomplishments of television stations in helping to solve the problem of youth violence in America.

Recommendation 2: We recommend that an educational campaign involving television programming, supplemented with educational outreach activities for parents, educators, and health care providers be developed and implemented to help solve the problem of youth violence in America.

Recommendation 3: The Film Rating System should be reexamined with an emphasis toward that which is "harmful" to children rather than that which might be offensive to parents. A stronger consideration needs to be placed upon violent and sexually violent content in the assignment of ratings, as well as providing for the viewer more information of the kind and scope of violence present. Along these same lines, the video rental market needs to be more in harmony with even the present rating system. Easy access by young adolescents to R-rated graphically violent videos undermines the meaning of the R rating. This rating indicates that children under 17 are "restricted" from such films unless accompanied by a parent or guardian. Such restrictions are rather uncommon within the video market.

Thank you for this opportunity to offer this testimony today. Please feel free to call upon me or Dr. Brian Wilcox of the APA if you have further questions during your deliberations.

The CHAIRMAN. Very good. Ms. Wagner, would you—we would be glad to receive your statement now at this time.

STATEMENT OF LINDSAY WAGNER, PACIFIC PALISADES, CA

Ms. WAGNER. Some of what I have to say will be, of course, redundant, because I am very pleased to hear—first of all, I want to thank you for allowing me to come and speak my piece today.

The CHAIRMAN. Move that microphone a little bit closer first, please. Yes, thanks.

Ms. WAGNER. I have this problem in my business too.

I want to thank you for allowing me to come and speak my piece today, and I am also very happy to hear that what I am—some of what I have already decided to say is going to be redundant. So, that makes me very happy because it is clear that a lot of you are aware of things that have been painful to me throughout my entire career.

I am here today first as a mother and second as a member of the industry being discussed. Intuitively as a parent, walking down the street with your child of 4 or 5 or 3 or 7, you look across the street at a safe distance, let us say, and a man is beating another man or a woman. Would you say "Oh, look, honey, this should be exciting," or do you grab your child and turn his head away? You would instinctively shelter your child's vision.

Why? I mean instinctively we know this is wrong. Intuitively we know this. We are living in a culture today which knows that pain control, winning at sports, being successful at work, remembering people's names, and even healing are being accomplished through visualization, through seeing the desired outcome in our minds over and over again, reading it from a piece of paper that is tacked on the wall or stuck in a desk or on the refrigerator. "I enjoy being slender and fit"; it works.

If as hardened adults our lives can be affected so strongly by positive input even twice a day for a few months, how can we even entertain the thought that violent images, violent responses, vio-

lent solutions to situations going into a child's open formulating mind anywhere from 10 to 40 times per day would not create similar responses or fear of the world or fear of tomorrow, thereby dictating certain attitudes and behaviors?

Now, I admit that censorship is very risky business. However, I feel that the flip side of that very coin is what we are dealing with. We are not dealing with art for expression's sake. We are not dealing with a soapbox in a park. We are not dealing with community theater—or even an open—truly open forum for news. The news is as competitive as anything else. What we are dealing with is big business, as many of you have already pointed out, whose main objective is to turn people's heads and to sell products.

The response to sensationalism and adrenalin addiction, as I call it, truly is a weakness in our society that is a primary tactic used to get ahead in our business. Because the TV has become one of the most powerful influences in our society, it has become increasingly competitive. And they are all running so fast that while trying to keep up—no one really knows how to take a stand, I think, on this issue without the fear of being run over. And as a result, our children are suffering and our future is being highly impacted.

With power comes responsibility. And sadly, after 23 years in this business, I am losing my sense of optimism, and I am here with you today who are reflecting the same feelings. I feel there is a need for immediate and hopefully temporary imposing of regulating measures on the behalf of our children, to help our business find a better balance between competition and humanness, such as Senator Hollings is proposing. A safe time, a safe harbor, a peaceful place to grow up and then do whatever weird things you want to do when you are truly responsible for your own life.

And long-term measures which will impact change from within in our business which are reflected in other ideas that I have been hearing today that I have only been recently, I mean 24 hours ago, becoming aware of what is going on here. I am learning about it here today, what other ideas are on the table.

And I am thrilled and I am happy to be here, and I encourage you all to keep doing it. I absolutely agree that our parents need to be educated. We need to know that as a public we can be affective, people do not know that, they do not know that they have any power. I think people watch many things by default, but they do not feel that they have anything to say about it, and I think that needs to be changed.

I have a lot to say, but thank you anyway.

The CHAIRMAN. Very good. Thank you very much, Ms. Wagner. Dr. Gould.

STATEMENT OF ROBERT GOULD, M.D., CHAIRMAN, NATIONAL COALITION ON TELEVISION VIOLENCE

Dr. GOULD. Mr. Chairman and committee members, I am Dr. Robert E. Gould, Professor of Psychiatry, New York Medical College, a psychiatrist and psychoanalyst in private practice specializing in family and adolescent psychiatry. And I am also current president of the National Coalition on Television Violence.

I have been involved and concerned with the problem of violence for 40 years in my roles as senior psychiatric consultant to the New

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York City Board of Education; director of adolescent psychiatry, NYU Bellevue Medical Center, where one-quarter of our patients were referred by the courts; director of family life division, Metropolitan Hospital; research psychiatrist on two multidisciplinary projects of NIMH and Fordham University, 5 years each, on drug addiction and juvenile delinquency. I also served as the staff psychiatrist for the New York State Commission, the McKay Commission, studying and reporting on the causes of the 1971 riots in Attica Prison.

I feel privileged to be here to comment on the proposed bills concerning television violence. The position of the National Coalition on Television Violence, along with other organizations, is, and it has been stated very clearly before, that violence is the No. 1 public health issue facing America today, and that television plays a major role in contributing to the magnitude of the problem.

It is a relief and a pleasure to note that the Senators writing these bills have accepted the fact, and fact it is, that repeated viewing of violence results in desensitizing the viewer, who becomes more accepting of violence and more apt to behave aggressively as the way to cope with problems, conflicts, and frustrations. This is especially true for children, who are more suggestible and vulnerable to environmental influences than are adults.

The irrefutable evidence of the baleful effects of television violence will be contradicted or derided by primarily one group, some die-hard television industry officials whose main concern is ratings at anyone's cost, so as to fatten the dollar bottom line, and violence does sell. I would like to offer some answers to the anticipated challenges that these bills will face.

No. 1, there is so much violence in our society and with so many purported causes—poverty, lack of educational and job opportunities, domestic violence, physical or sexual abuse of children, peer pressure of fighting gangs, neighborhood instability—all contributing to the likelihood of violence, how do we know that TV violence plays a role?

All reputable studies done by the American Medical Association, the American Psychiatric Association, American Psychological Association, NIMH, NCTV, among others, for 35 years controlling for the variables contributing to violence—have targeted TV as a major contributor to the culture of violence.

No. 2, these bills lead to censorship. This is ironic and perverse since for bills S. 943 and S. 473 the reverse is true. One calls for video and audio warnings that the programming to follow contains violence or unsafe gun practices and may adversely affect the mental or physical health, or both, of the viewer. The other bill proposes to evaluate, rate, and publicize TV programs for levels of violence and name the sponsors and advertisers of such programs.

This is the very opposite of censorship. Rather, these bills offer truth in packaging, giving the viewer more knowledge about the product offered so that a better informed public can decide if it wants to turn the program off or not allow the child to watch—parent control, I trust, will not be regarded as censorship—and if they want to protest to the sponsor of violent shows or boycott the advertised commercial product. The cry of censorship is heard if the labels should reduce the number of viewers and thus the advertis-

ing rates. Tipper Gore took a bad rap from rap artists and record industry officials when she wanted labels on records in which the lyrics encouraged such acts as rape and cop killing. With a media explosion of violent products, it is totally unreasonable to expect parents to be able to monitor all the movies, records, TV programs, and video games in our midst without some help.

No. 3, children know the difference between make believe, such as cartoons, and reality, and so are not really affected by fantastical cartoons. The fact is that children are often confused about what is real and what is make believe. A full appreciation of reality is not seen in 4-, 5-, 6-year-olds, sometimes not until 8 in many children.

Just a week ago we read of the tragedy of a boy, 5, who started a fire that killed his 2-year-old sister imitating an MTV cartoon—Beavis and Butthead, as we well know the names now—which promoted burning as fun. Another episode showing a character setting fire to another's hair by using a match to ignite spray from an aerosol can encourage children to use this technique, and it caused personal injury and house damage.

At an industrywide leadership conference on violence in television programming held in California August 2 of this year, industry officials maintained that there was no harm to children if they were aware that the cartoons were not reality. This not only misses the point, it misses the whole dimension of the perniciousness of portraying violence as funny and entertaining. By making it fun and games, such programs make violence even more acceptable, and they do little to inhibit a child's own propensity toward violence and an awful lot to enhance it. So, there occurs a further desensitization and acceptance of violence as natural and even good.

First grade children, after being told a Tom and Jerry cartoon that they would see was not reality—was divided in two sections, one, it had the violence left in it and the other saw the cartoon with the violence deleted. They were told that this was make believe, not real, and both groups were put in a room together to play. Those that saw the violence in tact were the more pushy, aggressive, hairpulling, and bullying. It happens over and over again.

The CHAIRMAN. Dr. Gould, can you summarize the rest of it? We are running out of time here. The entire statement is included in the record.

Dr. GOULD. Well, a fourth point is that violence is cathartic. That is, it makes it easier not to act violently when you see it. And we know that it is the opposite, that it is infectious and also contagious. And the more violence one sees—as in a sporting event; the more violence occurs in the stands.

I would just say that the first two bills are certainly ones that can only help in every way. The third bill that Senator Hollings has put forth I think we have to seriously consider if the labels and the warnings and the publicizing of the worst programs, do not work. Then I think, since this is an epidemic and it does make our children very vulnerable to be aggressive and violent and accepting of violence around them we may need legislation. If we have legislation to control excessive air pollution, I am saying that the air in our living rooms is polluted by what comes out of the television sets, and if the TV networks do not control it voluntarily and the

first two bills, S. 943 and S. 473 are ineffective, then Senator Hollings' bill must be entertained very seriously to preserve the health and our welfare of our society.

[The prepared statement of Dr. Gould follows:]

PREPARED STATEMENT OF ROBERT E. GOULD, M.D.

Mr. Chairman and committee members—I am Dr. Robert E. Gould, Professor of Psychiatry, New York Medical College, a psychiatrist and psychoanalyst in private practice specializing in family and adolescent psychiatry and President/Chairman of the National Coalition on Television Violence. I have been involved and concerned with the problem of violence for 40 years in my roles as senior psychiatric consultant to the New York City Board of Education; Director of Adolescent Psychiatry, N.Y.U.-Bellevue Medical Center where one-quarter of our patients were referred by court; Director of Family Life Division, Metropolitan Hospital; Research Psychiatrist on two multidisciplinary projects of NIMH—Fordham University—5 years each—on Drug Addiction and Juvenile Delinquency. I also served as the staff psychiatrist for the N.Y. State Commission (Mckay Commission) studying and reporting on the causes of the 1972 riots in Attica Prison.

I feel privileged to be here to comment on the proposed bills concerning television violence. The position of the National Coalition on Television Violence, along with other organizations, is, and it has been stated very clearly before, that violence is the No. 1 public health issue facing America today, and that television plays a major role in contributing to the magnitude of the problem.

It is a relief and a pleasure to note that the Senators writing these bills have accepted the fact, and fact it is, that repeated viewing of violence results in desensitizing the viewer, who becomes more accepting of violence and more apt to behave aggressively as the way to cope with problems, conflicts, and frustrations. This is especially true for children, who are more suggestible and vulnerable to environmental influences than are adults.

The irrefutable evidence of the baleful effects of television violence with be contradicted or derided by primarily one group, some die-hard television industry officials whose main concern is ratings at anyone's cost, so as to fatten the dollar bottom line. And violence sell.

1. There is so much violence in our society and with so many purported causes—poverty, lack of educational and job opportunities, domestic violence, physical or sexual abuse of children, peer pressure of fighting gangs, neighborhood instability—all contributing to the likelihood of violence, how do we know that TV violence plays a role?

All reputable studies done by the American Medical Association, American Psychiatric Association, NIMH, NCTV among others, controlling for the variables, have targeted TV as a major contributor to the cultural violence.

2. These bills lead to censorship. This is ironic and perverse since for bills S. 943 and S. 973 the reverse is true. S. 943 calls for video and audio warnings that the programming to follow contains violence or unsafe gun practices and may adversely affect the mental or physical health, or both, of the viewer. S. 973 proposes to evaluate, rate, and publicize TV programs for levels of violence and name the sponsors and advertisers of such programs. This is the very opposite of censorship. Rather, these bills offer truth in packaging, giving the viewer more knowledge about the product offered so that a better informed public can decide if it wants to turn the program off or not allow the child to watch (parent control, I trust, will not be regarded as censorship), and if they want to protest to the sponsor of violent shows or boycott the advertised commercial product. The cry of censorship is the cry of the pocketbook if the labels reduce the number of viewers and thus the advertising rates. Tipper Gore took a bad rap from rap artists and record industry officials when she wanted labels on records in which the lyrics encouraged such acts as rape and cop-killing. With a media explosion of violent products, it is totally unreasonable to expect parents to be able to monitor all the movies, records, TV programs, and video games in our midst.

3. Children know the difference between make-believe (such as cartoons) and reality, and so are not really affected by fantastical cartoons.

The fact is that children are often confused about what is real and what is make-believe. A full appreciation of reality is not seen in 4-, 5-, 6-year-olds, sometimes not until 8 in many children. Just a week ago we read of the tragedy of a boy, 5, who started a fire that killed his 2-year-old sister imitating an MTV cartoon "Beavis and Butthead" which promoted burning as fun. Another episode showing a character setting fire to another's hair by using a match to ignite spray from an aerosol can

encouraged children to use this technique causing house damage and personal injury. These are more than isolated cases. At an Industrywide Leadership Conference on Violence in Television Programming held in California August 2nd of this year industry officials maintained that there was no harm to children if they were aware that the cartoons were not reality. This not only misses the point, it misses the whole dimension of the perniciousness of portraying violence as funny and entertaining. By making it fun and games such programs make violence even more acceptable, would do little to inhibit a child's own propensity toward violence and an awful lot to enhance it. Something portrayed as funny and meant for children must be alright. So, there occurs a further desensitization and acceptance of violence as natural and even good. First grade children, after being told a Tom and Jerry cartoon they were to see was not reality, were divided into two groups, one seeing the cartoon with the violence left in it and the other with ad the violence deleted and then both groups were put in a room together to play. Those that saw the violence intact were the more pushy, aggressive, hair pulling, and bullying.

4. Violence can be a cathartic and so by viewing violence one is relieved of behaving violently. This may be true in rare instances, but in the vast majority of situations it is just the opposite. Violence is contagious and infectious. What you see becomes part of you and is incorporated in patterns of behavior. One need only note that at any sporting event where violence breaks out in the arena as in basketball, football, hockey, or soccer one sees more violence in the stands.

The Children's Protection From Violent Programming Act of 1993 (S. 1383) may evoke a stronger protest of censorship since it actually proposes to restrict violent programming during hours that children are likely to be watching TV, although those hours are not specified in the bill.

We at NCTV are very concerned about first amendment rights and would hope to avoid legislation that tells the TV industry when it can present certain programs. We would hope that the labelling of programs with violent content and the ratings of the most violent shows naming their sponsors will be effective in reducing the amount and degree of violence in TV programming. The effectiveness of the labeling and ratings though, are not assured. Parents must be better educated and their consciousness raised as to the harmfulness of TV violence to their children (and themselves). Even so, with parents working and out of the house, leaving the room or otherwise being engaged or distracted, it may not be realistic to expect good supervision in many households. We are preparing a proposal to add to the school curriculum methods of empowering children to become more skilled critical viewers and to learn why television violence is harmful to them. But this will not occur overnight. It remains to be seen just how much change these measures will effect.

NCTV has been labelling TV programs from cartoons to prime time series, rap music, and movies hoping to enable parents to be more selective in their TV viewing for themselves and their children and to be vocal in support of pro-social programs and even more vocal in making their disapproval of programs known to sponsors and TV networks when they deem them harmful and unacceptable for their living rooms. We only reach a few thousand directly through our membership, but we send newsletters and press releases to the media, newspapers, radio and TV stati9ons of our findings, but we do not reach the numbers that the FCC will by labelling and rating TV programs on the air for all to see. Their reach to millions of viewers we hope will make a real difference in TV programming and viewing.

Should the results of these efforts be disappointing, then the clear and present danger of the epidemic of violence requires stronger measures since continued harm to the victims of violence and the incalculable harm to the spiritual, emotional and mental health of all who are exposed to the poisonous doses of violence that TV sends into our homes cannot be tolerated. An antidotes to this poison would be bill S. 1383, limiting violence during hours children are likely to be watching television. The pollution of the air we breathe has resulted in anti-pollution legislation to protect our health. Legislation restricts sales and ingestion of alcohol, drugs and cigarettes in the service of protecting the Nation's health. This is not called censorship and so as the air in our living rooms is polluted by programs glorifying and sanitizing violence and promoting it as a way to resolve differences and conflicts, we must act to protect those most vulnerable, the children, from being infected by the virus of violence which they will only spread. This may be deemed as one of the most important public health measures our Government can institute for the welfare of our society.

Adults who may need their violence fix, can still obtain it at other hours, on all TV stations, or through video outlets, premium and pay per view programming, and the like.

We commend the Senators for proposing these very important bills to address a health epidemic of the first magnitude.

The CHAIRMAN. Very good, sir. Thank you.
Ms. Belter.

STATEMENT OF CATHERINE A. BELTER, VICE PRESIDENT FOR LEGISLATIVE ACTIVITY, NATIONAL PARENT-TEACHER ASSOCIATION

Ms. BELTER. Mr. Chairman, members of the committee, I am Catherine Belter, and I am vice president for the National PTA in the area of legislative activity. I also happen to be a parent, which is how I got involved with the PTA to begin with. And so the group I represent is a diverse group of almost 7 million members, who are parents or teachers or citizens. And, basically, we are concerned.

And I appreciate the fact that this distinguished body is addressing this issue of violence on television; in particular, programming targeted to children, which is a major issue for us.

The frustration that we feel is the fact that we have been coming before committees such as this since 1973, when we talked about the need for quality programming for our children. It is an issue that I think, in 1983, when my children were young, I thought would be taken care of in a couple of years; that we were all in this together. I hate the feeling that sometimes occurs when you come to sessions like this, that it is we and they and us, and who is in this.

I think what we have to remember as we sit here today and address this issue, that we talk about parental responsibility—and I will get to that—but what we really have to address, as all of us, is society's responsibility to its children. Whether you are a parent or nonparent, those are the people that are the issue today, the children of this country.

The PTA recognizes, though, that there are a number of causes related to the violence in the society that we are experiencing. And we do not want to make the media the social scapegoat. However, as we look at what is going on, we find that television is more violent than ever before, and offers fewer opportunities for education and family viewing—something that they could do wonderfully if they put their minds and hearts to it.

We believe that the television industry must assume responsibility for helping parents and the community by reducing the amount of violence on the screen. And I want to reiterate that parents are taking a lot of responsibility—not all, but a majority of them. Those parents that can are trying to monitor their children's television. But as we heard our Attorney General say, not every home has that monitoring aspect, and your child can go next door, across the street, go home with buddies from school, and things are opened up to them that they might not have in their own home.

I think we also have to be realistic that not all parents can do this. We also have very young parents, who are basically children themselves, and they possibly do not understand the linkage that has been pointed out by the experts in the field.

In our testimony, we have a lot of the statistics, which you all have already related, too, which the people at this table have also spoken to. So, I will not go into that. But be aware that those are the things the PTA uses when we go around and we speak to our members.

And I think what has hit me as I have traveled in many of our States to speak to our members is that if there is one issue that parents are coming together on—and with almost 7 million members, we are diverse, believe me—it is this concept of violence and what do you do. And they do not feel empowered. They make telephone calls, but they do not know what is happening.

We were excited when the Television Violence Act of 1990 was passed. We supported that. We said we are on the road; something is going to happen. We got information out to our membership. We said, watch this. And here we come back, 3 years later, and we find ourselves talking to you about prime time mayhem and industrial guidelines which are so general they appear even weaker than before.

We are concerned. The frustration level is growing. I know you hear from your constituents. Let me tell you some other things the PTA is doing to try to help with this issue of critical viewing skills, because we believe we have a responsibility to that.

In Utah, the PTA there has been working for over 2 years. They have developed curriculums which will now be used in some of the schools not only with parents' understanding of critical viewing skills, but to give that to the students.

This coming January, the Florida State PTA will join in a partnership with the Florida Department of Education. And during the week of January 10 to 14, they will be monitoring television shows from 3 to 11 p.m., on six major networks, ABC, CBS, Fox, MTV, and Nickelodeon. They will use a survey, which we have attached to this presentation. So, you can see the type of areas within the shows they are going to be looking at. They have designated different types of violence to be as specific as possible.

Then the information will be compiled, and the report will be forwarded to the FCC, the State and Federal lawmakers, and the appropriate telecommunications committees, the networks that they monitored, and the media. The intent of all of this is to provide consumer information about how violent-free or how violent-ridden each of the networks is.

This is an example of where parents are going to give up their time and perhaps learn something, too, because we do not watch all the shows our children are seeing. We hear things, and then we get nervous, and then we start to tune in.

The National PTA has always been concerned about the first amendment rights, and we have always encouraged, therefore, that voluntary measures be undertaken before Government interaction. But now we are not too sure that that can continue.

We hope that there will be some efforts on the part of the industry to respond to the concerns and the issues here. We would recommend a single piece of legislation that would incorporate the following provisions, and it encompasses many of the things in the bills on the table today:

That the FCC commence immediately a series of hearings and town meetings around the country to hear the concerns of parents and other citizens about television violence and their recommendations for improvements; that an independent commission or the FCC, with input from the community, through a public comment period, develop a set of national television violence guidelines that

should be the criteria used to evaluate and rate television programs; the FCC or a commission shall establish a television violence report card, similar to the one envisioned in S. 973.

We would also ask the immediate establishment of an 800 number at the FCC to hear complaints from parents and others about television violence. We support the development of national television violence criteria by the FCC or an independent agency and, after that, the FCC shall require television stations to rate their own shows that contain violence based on the quantity of violence and the quality of violence, in terms of how graphic and lethal the violence is.

For those programs high in violence based on the violence criterion guidelines, the television station must be required to flash a warning label across the screen. For those programs with less violence, a parental advisory should be mandatory.

The FCC should maintain a list of advertisers, if we can ever get that together, as has been discussed, that sponsor shows with excessive violence. Parents should have the information about the advertisers who are violence-free and do not sponsor violent television programs during children's waking hours. FCC regulations to require television stations to set aside, at a minimum, 1 hour of television programming per day for children's programming that is educational and informational. Television can do wonders in those areas, as I said before, and we have got to use the media appropriately.

Amend the FCC regulations to require warning labels on television ads that advertise violent theme products, such as look-alike guns, martial arts weapons, and violent video games. Television stations should be required to carry PSA's, giving the community information about the implementation of the Children's Television Act, which has, again, been something that we were supportive of and excited about.

With all of these, though, we do not think it is a one-way street. We have a responsibility as an organization, as do others, to make sure that the television viewing skills of children get to be a little bit more sophisticated than they are now. And we have talked about ways that we can do that.

We believe, though, that if the television networks do not respond to the above steps by reducing violence targeted at all children, there will be great pressure, then, to look at passage of S. 1383. The fact that a bill to ban violence targeted at children is introduced by a Senator keenly aware of the constitutional minefields should give the industry pause that Congress is serious about a national television violence policy for children.

We have, as I said, been concerned about first amendment rights. We were very interested and glad that we were here to hear Attorney General Reno's comments on that. That certainly is a hurdle. And her response to that, we are going to welcome. We think that the key to reducing violence is one of cooperation between all parties involved. And we sincerely hope that this will be something that everyone will take to heart and make it a priority.

We have violence in our society that we are not comfortable with. We do not know how we have got there. Parents—and I will just close on this statement—I had one parent say to me, I looked back,

and all of a sudden there is violence on television in the last few years. She said, "How did we get there? Why did we get there? Who said that is what we want?"

Now, I know the industry will respond by saying that is how the advertisers get their money. The people are listening and tuning in to the programs. If we have to make a show, two versions, as was stated earlier today, one for America with violence, one for overseas that is not as violent, maybe it is time to give us a chance to try out the nonviolent show and see if we like it.

Thank you very much, Mr. Chairman and members of the committee.

[The prepared statement of Ms. Belter follows:]

PREPARED STATEMENT OF CATHERINE A. BELTER

Mr. Chairman and members of the Senate Commerce, Science and Transportation Committee. I am Catherine A. Belter, National PTA Vice-President for Legislative Activity. The National PTA is comprised of almost 7 million parents, teachers and other child advocates concerned about improving the quality of television programming for children, youth and families. The National PTA thanks the distinguished chairman of this committee and long-time PTA friend for the opportunity to testify on behalf of various Senate bills regarding violent television programming targeted at children, including S. 943, the Children's Television Violence Protection Act; S. 973, the Television Violence Report Card Act; and S. 383, the Children's Protection from Violent Programming Act. I also thank Senators Paul Simon, Kent Conrad, Byron Dorgan and David Durenberger for their commitment to dealing with TV violence.

I come before this committee as one of a procession of many National PTA representatives as far back as the 1970's who have petitioned Congress and the regulatory agencies about the need to provide more quality television programming for children and youth. Since 1973 the National PTA has communicated our concerns to Congress, Federal agencies, and the television industry. Unfair advertising directed at children, the advertising of products injurious to children's health, the dearth of age-specific and quality TV programs for children and families, cartoon-length commercials, and the effects of television watching on children's academic performance and emotional health are all issues of paramount importance to the National PTA.

I also come before this committee, not as a legal expert or a researcher but as a parent and a long standing child advocate who shares with other parents and citizens the frustration of years of attempting to influence children's television programming while not wishing to cross the fine lines of our First Amendment freedoms.

The National PTA recognizes that there are a number of causes related to violence in our society such as, the change in the family structure, poverty, unemployment and drug related crime, and that there is a danger of using media violence as a social "scapegoat" However, the fact remains that television is more violent than ever before and offers fewer opportunities for education and family viewing. The television industry must assume responsibility for helping parents and the community by reducing the amount of violence on the screen.

Many parents do make every effort to monitor their children's television viewing. For these children parents are able to carefully scrutinize the family's electronic bill of fare. But for some children, TV acts as the remote control baby-sitter and as a surrogate parent. With television in 96 percent of all American households, this medium does affect the attitudes, the informal education, and the behavior of our children. In a Rushnell Company survey commissioned by children's television expert George Gerbner, it was found that in 1980 the three major networks combined were showing 11 hours of educational shows per week, but by 1990 such programming had diminished to less than two hours per week. Yet, there was more non-educational programming targeted at children than ever before. Programming such as the current fare of Saturday morning cartoons, X-Men, the Simpsons and Beavis and Butthead are far from educational and constitute the mainstream of our children's TV diet.

Through our members, we have found that there is no one single issue that preoccupies parents more than the low quality of television that many believe contributes to a violent society. The statistics related to a child's exposure to TV violence

is indeed alarming. For instance, a November 1991 study by the Annenberg School of Communications at the University of Pennsylvania showed that the average number of violent acts in one hour of children's television broadcasting was 32. This is even more than on prime-time TV which had only 4 acts of violence per hour. A 1993 American Psychological Association study showed that the typical child will watch 8,000 murders and more than 100,000 acts of violence before finishing elementary school. By the age of 18, the same teenager will have witnessed 200,000 acts of violence, including 40,000 murders. According to the Journal of the American Medical Association (JAMA), by 1990 the average American child, aged 2 to 5 years, was watching over 27 hours of television per week. Many of these children are unable to distinguish fact from fantasy in TV programs, and believe that what they are seeing is entirely factual, notwithstanding adult explanations and interaction. Many of these TV experiences leave strong impressions.

The numerous studies and statistics that link watching TV violence and aggressive behavior in children are by this time well-known in the policy making realm. However, would like to reiterate some of the more disturbing findings. John P. Murray and Barbara Lonnberg have over the years collected hundreds of research studies which show three possible effects of viewing TV violence on young people: 1) children may become less sensitive to the pain and suffering of others; 2) they may be more fearful of the world around them; and 3) they may be more likely to behave in an aggressive or harmful way toward others.

Parents and other citizens are angry about these circumstances!I Many people feel powerless to make changes by themselves. They know that while industry officials hide behind the cloak of the First Amendment, someone is making program decisions about children's television, and it is frequently not them. They know that according to the Federal Communications Commission Act of 1934, they own part of the airwaves, but the industry acts as if the airwaves are privatized. Finally concerned citizens and organizations are again seeking help from Congress.

The passage of the Television Violence Act in 1990 was a window of opportunity providing a glimmer of hope. As you know, the Act was a compromise between the industry which was restricted by antitrust provisions to develop TV violence guidelines, and those, including the National PTA, who were supportive of Senator Paul Simon's measured approach and wanted industry-wide efforts to use voluntary means toward reducing television violence targeted at children and families. It was our hope that the industry would take advantage of the anti-trust exemption, and begin to curb violent programming. Yet three years later, we find ourselves back before Congress talking about prime-time mayhem and industry guidelines which are so general that they appear even weaker then the existing standards used by each of the networks in the 1970's. And lastly, the guidelines do not seem to be having any effect. While we recognize CBS's establishment of a 1-800 line for parents to call in complaints, industry inaction has created a cynicism among parents that the industry is not much interested in reducing violence, and that responding to the needs of children is not as important as responding to the Nielsen ratings.

In the past, the industry has been critical of governmental action, alleging instead that it is the parents' responsibility to monitor their children's TV watching. The National PTA agrees that parents share this responsibility as stipulated by its 1989 position which states "that the National PTA urges its members to observe and monitor TV programming and commercials in their areas; and, where an excessive amount of violence in programming is seen, to make known their views with documented reporting This is happening around the country. Let me tell you about a joint project between the Florida State PTA and the Florida Department of Education. During the week of January 10-14, 1994 from 3:00 pm to 11:00 pm, PTA volunteers all over Florida will monitor television programs on six designated networks: ABC, CBS, FOX, MTV, and Nickelodeon. The viewers will use a short survey instrument to record the incidences of violence on the programs they view. The news will not be monitored. The final report will be forwarded to the FCC, state and federal lawmakers and the appropriate telecommunications committees, the networks monitored and the media. The intent of this effort is to provide consumer information about how violent-free or how violent-ridden each of the networks is. This is only one example of many where parents are coming together to monitor TV and exercise their rights under the Children's TV Act. I have included a copy of the rating sheet that will be used in this project with this testimony.

Further, the National PTA's legislative position on TV violence stipulates that the "National PTA supports federal legislation and regulations to urge the broadcasters to reduce children's exposure to programs depicting violence." It also says that the "National PTA demand from networks and local stations a reduction in the amount of violence shown on television programs and commercials during the entire day, with particular attention to viewing hours between 2:00 pm and 10:00 pm and

weekend morning hours," and "if the self-regulation of programming and commercials by the broadcasting industry does not result in better TV programming with less emphasis on violence, that the FCC establish and enforce regulations limiting the number and percentage of programs of violence to be presented each day."

In addition, the National PTA has encouraged the means, either voluntary or via government action, which provide parents and other consumers maximum information about the program and advertising content that children are susceptible to. For example, a few years ago the National PTA joined with Tipper Gore and the Parent Music Resource Center in working with the record industry to voluntarily label records and tapes that used offensive and violent language. Currently the National PTA is urging the passage of SAFE, the Sensible Advertising and Family Education Act, which will require rotating health and safety messages on all alcohol print and broadcast advertisements. More directly related to the issue before this committee the National PTA has been working with Senator Kent Conrad and other organizations on a petition campaign to demonstrate the number of parents and other community members that want TV violence reduced. The result of this campaign will soon be presented to the industry. But this is only one step. The time for further action is here. Parents around the country are demanding quick and decisive moves to reduce the amount of violence on TV and keep the pressure on the industry to provide better family and children's programming. With an approach that emphasizes the complexity of the issue, we all need to develop strategies around a multifaceted framework and the federal government must help. This multi4aceted framework should include an omnibus response by the Congress combining a number of legislative initiatives including S. 943 and S. 973.

The National PTA recommends a single piece of legislation that incorporates the following provisions:

1. That the FCC commence immediately a series of hearings and town meetings around the country to hear the concerns of parents and other local citizens about TV violence and their recommendations for improvement. The hearings shall be televised and carried on interactive TV, and the records from these hearings shall be printed for public distribution in the Federal Register.

2. That an independent commission or the FCC, with input from the community through a public comment period develop a set of national TV violence guidelines that should be the criteria used to evaluate and rate TV programs. This commission or the FCC shall establish a TV Violence Report Card program, similar to the program envisioned in S. 973.

3. The immediate establishment of an 800 number at the FCC to hear complaints from parents and other citizens about TV violence. Complaints should be logged, and reported publicly on a quarterly basis.

4. After the development of national TV violence criteria by the FCC or an independent agency, the FCC shall require TV stations to rate their own shows that contain violence based on the quantity of violence (in terms of acts per show) and quality of violence (in terms of how graphic and lethal the violence is), whether the overall message is pro- or anti- violence, and how gratuitous the violent acts are.

5. For those programs that are high in violence based on the violence criteria and guidelines, the TV station must be required to flash a warning label across the screen. For those programs with less violent content, a parental advisory should be mandatory. Both should include an audio voice over about the violence in the programming.

6. The FCC should maintain lists of advertisers that sponsor shows with excessive violence. In addition, parents should have information about the advertisers who are "violence free" and as policy, do not sponsor violent TV programs during children's watching hours. The FCC shall this release this information on a periodic basis publicly via press releases, agency announcements, the Federal Reaister, and through child advocacy and consumer organizations.

7. Amend the FCC regulations to require that TV stations to set aside at a minimum one hour of TV programming per day for children's programming that is educational and information.

8. Amend the FCC regulations to require warning labels on TV ads that advertise violent-themed products such as look-alike guns, martial arts weapons and violent videogames.

9. In addition, TV stations should be required to carry PSAs giving the community information about the implementation of the Children's Television Act, and ideas about how to assure that local stations are meeting their telecommunications obligations to children and youth.

To complement the above initiatives which would require legislative action, nonprofit organizations such as the National PTA, must also assume responsibility towards improving the television viewing habits of children. Workshops and informa-

tion on TV monitoring and critical viewing skills should be provided for parents to assist them in determining appropriate television fare for their children.

We must also be realistic. There are many children and youth whose parents may not monitor television for them, and therefore will not be affected by consumer information. The broadcasters must be involved in and supportive of the proposed legislation. We believe that if TV networks do not respond to the above steps by reducing violence targeted at all children, there will be great pressure to pass S. 1383, the Children's Protection from Violent Programming Act. The fact that a bill to ban violence targeted at children is introduced by a Senator keenly aware of the constitutional minefields should give the industry pause that the Congress is serious about a national TV violence policy for children. Indeed, there is precedent for the government to regulate harmful products directed at children such as the child pornography laws, advertisements directed at children which are deceptive and unfair, and the broadcast of vulgar language, nudity and sexual descriptions. However, we have a concern about the government regulating speech, except as it protects the interest of the public and children as stipulated by Section 326 of the Federal Communications Act of 1934. The FCC Act of 1934 stipulates that the network airwaves belong to the public, and that they can be regulated by the public.

The issue for the National PTA at the present time is how to do that constitutionally without censoring, but at the same reducing the amount of violence targeted at children. Clearly, one of the keys to avoiding the First Amendment thicket is to reach a definition of violence that is clear, concise and not overly broad to be understandable to networks and producers. The other key is to specify times during the day for violence reduction which will decrease judicial objection that the scope of the bill is unnecessarily broad. S. 1383 has been introduced and its implications should be taken seriously.

The choices are clear. On one hand, the public will not tolerant business as usual from the networks. Studies, reports, and delays are a thing of the past. Increased TV violence, a TV industry unresponsive to the pressure for change, and research that links violent TV with nonsocial behavior of children are all dynamics that will create an environment that seeks more reactionary resolves. If the networks resist public demands through consumer information to change does not work, S. 1383 will undoubtedly be the next step.

The National PTA thanks the chairman and this committee for the opportunity to testify.

PARENT RATING SHEET FOR TELEVISION VIOLENCE

Complete the following information to rate one of your child's television programs for violence.

Name of Program_____ Date and Time Viewed_____

Station Viewed_____ City_____ Network ___ or Local Program_____

Length of Program: 30 min____ one hr____ two hrs ___ Animated yes____ no____

Program Target Audience: Children ___ Teenagers ___ Adults___ General___

Violence Rating Table

For each occurrence of a violent act, indicate in a box the codes that best describe the victim:
F-female M-male C-child A-adult W-white B-black AS-Asian N-Native American H-Hispanic O-Other
MV-Multiple Victims AN-Animal NA-Not Applicable, or not a case of aggressor vs. victim
Example:

Threat With Weapon	fwc	mba	mv								

If more than 11 incidents occur during the program, mark two incidents in each box as needed.

Type of Violence	1	2	3	4	5	6	7	8	9	10	11	Total
Serious Verbal or Physical Threat												
Threat With Weapon												
Unwanted Sexual Touching												
Verbal Sexual Harassment												
Rape												
Slap or Punch												
Fist Fight												
Hit or Run Over by Vehicle												
Strike with Weapon												
Stab or Cut with sharp object or knife												
Gunplay/Shoot-out												
Unarmed Person Shot												
Property Destruction												

(Jointly developed by the Florida PTA and the Department of Education, Betty Castor, Commissioner)

The CHAIRMAN. Yes, thank you very much, Ms. Belter.

Let me yield to Senator Dorgan to introduce the next witness.

Senator DORGAN. Mr. Chairman, let me introduce Dr. Paul Dovre, who is the next witness.

Dr. Dovre is not only a distinguished academician, but he is president of Concordia College. We had put together in our region an effort to develop a television violence report card project simply to demonstrate that what I am asking the FCC to do can be done.

Dr. Dovre told me this morning, when they called for volunteers, they wanted 70 students for a 3-hour training course and then to work with evaluators. They needed 70 students, and when they put out one little notice for volunteers, 120 students showed up. That is the interest in what they are doing.

BEST COPY AVAILABLE

In about 6 weeks, we will have a demonstration of what I want the FCC to do from Concordia College. They stepped forward and volunteered to coordinate this project, and I, on that basis, asked if he could be a witness today. And I am delighted that Dr. Dovre is here.

The CHAIRMAN. We are delighted to have him.

Dr. Dovre, your statement, in its entirety is here; let us see if you can summarize it in the 5 minutes for us, please.

STATEMENT OF PAUL J. DOVRE, PRESIDENT, CONCORDIA COLLEGE

Dr. DOVRE. Mr. Chairman, Senator Dorgan, distinguished Senators, I am here today to testify in support of S. 973 on behalf of myself and 120 students and several faculty colleagues from Concordia College in Moorhead, MN, where I serve as president.

I am here because we are concerned about television violence, and we have made plans to do something about it. I want to describe briefly both our concerns and our plans.

Our support for S. 973, sponsored by Senator Dorgan, is based on two premises. First, we are concerned about the extent and impact of television violence already well chronicled by previous witnesses and familiar data.

If a fire started in the kitchen of our home, we would not wait for the flames to reach the living room before we raised an alarm. But in the case of violence on television, we have done just that.

In consumer product areas, from ketchup to cranberry juice, from aspirin to automobiles, from airline schedules to mortgage contracts, we make sure that labels inform potential consumers about the nature and content of the product. But in the case of television programs, citizens do not have effective reliable information to assist them in monitoring what their children may see or the choices they make for themselves.

It is time, we believe, to change that state of affairs.

The second reason for our support for this legislation is found in the mission of our college, which is to influence the affairs of the world by enabling students to be ethically reflective, intellectually competent, and personally responsible citizens. Because of their convictions in these matters, 120 of our students and several members of our faculty have initiated a demonstration project to document the level of violence on television and to test a rating system of the sort that Senator Dorgan has envision in his proposal.

A remarkable thing, as you have heard, about this project is that while only 70 student volunteers are required for the rating exercise, 120 students have volunteered.

The first goal of this project is to establish that ordinary citizens with modest training are capable of documenting television violence. The second goal is to make these results available to this committee as you consider S. 973. The third goal is to make the results available to area citizens and, thus, empower them to make thoughtful, informed decisions about television viewing.

Our student volunteers will utilize a scoring method adapted by Dr. Mark Covey of our faculty from the method used by the National Coalition on Television Violence. Student attitudes will be ascertained before and after they participate in the rating exercise.

Following a 3-hour training session, volunteers will be rating 96 hours of prime time television programming from the week of September 28 through October 4, 1993.

Each student will rate a 3-hour segment, and each segment will be rated by at least two students working independently. Sponsors will be identified in the process.

This study will not rate sexual content, verbal abuse, or profanity; only physical violence. This project does not purport to be a definitive study of television violence; rather, it is a demonstration of the viability of a citizen-based rating system.

I believe it is morally and socially correct to empower citizens with the information they need to make informed decisions for themselves and their families, and the information they need to play a greater role in influencing the dominant media in our culture.

For that reason, I support S. 973 and am proud to represent my student and faculty colleagues who have initiated this demonstration project.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Dovre follows:]

PREPARED STATEMENT OF DR. PAUL DOVRE

Mr. Chairman, distinguished Senators, committee staff members, leaders of the television industry and all others interested in this important issue:

My name is Dr. Paul Dovre, President of Concordia College located in Moorhead, Minnesota, and I am here to testify on behalf of Senate Bill S. 973 which would require the Federal Communications Commission to evaluate and publicly report on the violence contained in television programs.

This legislation was introduced by Senator Byron Dorgan from our neighboring state of North Dakota. It is an attempt that we at Concordia feel is long overdue, to curb the images of murder and mayhem that are brought into our homes nightly over the public airways. Helping with this congressional effort fits perfectly into the mission of our college.

Concordia is a four-year liberal arts institution of the Evangelical Lutheran Church in America, serving a student body of about 3,000. Over the past 102 years, we have a proud tradition of preparing young men and women for a life of service, with the goal of influencing the affairs of the world.

In keeping with this mission, Concordia was anxious to have our students become involved in lending a hand to Senator Dorgan in developing and implementing a demonstration project on TV violence.

The first step was to meet with concerned groups of citizens across North Dakota to get their input on how the project should proceed and what its goals should be. Key educators, leaders of parent groups and others involved in abuse counseling and the legal system met in sessions at Fargo and Bismarck to discuss the legislation.

The citizen groups decided a study confined to well-defined acts of physical violence was the most appropriate. They agreed that rating one week of prime-time network programming, along with Saturday morning network cartoons, was the most useful and practical survey sample. The citizen groups also determined that student volunteer raters would offer several advantages in guarding against bias and providing a diverse sample of backgrounds and viewpoints.

Using Concordia's existing television studio facilities, we have videotaped the one-week prime-time network sample along with the network Saturday morning children's programming. It amounts to 96 hours of television sent into American homes during the week of Sept. 28-Oct. 4, 1993. This "snapshot" of the television industry will now be scrutinized through a scientific survey led by Dr. Mark Covey, associate professor of psychology at Concordia.

He has adapted a scoring method developed by the National Coalition on Television Violence, and he means to give us an objective measurement of the amount of violence contained in this sample week of television, along with the names of the commercial sponsors for each program. It is the same kind of TV violence report card Senator Dorgan calls for in his legislation.

Each hour of television will be viewed by two volunteers, rating independently, to minimize any bias or rating error. This is where Concordia students will play an important role, since they will form the main volunteer pool for this project. They come from a diverse background, representing 43 states and 30 nations.

They bring to the project only the opinions they have formed over a lifetime of television viewing. The students will be given a three-hour training session to learn how to recognize and classify acts of physical violence. The study will not rate sexual content, verbal abuse or profanity.

Each volunteer will view three or four hours of programming using a score sheet developed by Dr. Covey. Measures will be taken to ensure scorers are not reviewing programs they normally watch in their everyday viewing. If there is substantial disagreement between the two volunteers watching each program, a third rater will score the tape.

The volunteers will be given a survey at the conclusion of the project to determine how their participation affected their opinions about television violence.

At the conclusion of the project, in late November, we will produce a rating document that we feel will be a highly valuable tool for television viewers, especially parents of young children. Each program during the week will be given a violence score based on the weighted ratings in the measurement instrument.

We plan to disseminate the results of our study to parent and education groups as well as through the news media. Concordia will produce a video documentation of the project in an effort to help groups understand how the project was conducted and what the results mean. This is, after all, a project to empower television viewers with information.

It is important to note that this is not meant to be a definitive study on television violence. Concordia College's role is to demonstrate that this type of survey can be done without great expense or bureaucracy. The study serves as a laboratory model and also an expression of the interest in this issue at the grassroots level.

For this fact is at the heart of our demonstration project and this legislation: study after study over nearly 40 years of television show that violence on TV can and does have an effect on real life. To claim otherwise is to deny the effectiveness of the dominant marketing tool in our society. Just ask any advertiser whether television is effective in persuading or influencing an audience.

How pervasive is violence on television? Studies show by the time American children complete elementary school, they have witnessed 8,000 murders and 100,000 acts of violence on television. By the time they reach the age of 18, they have witnessed 40,000 murders on television. It is estimated there are some 1 ,800 scenes of violence during a typical broadcast day. And the American Academy of Pediatrics reports that prime time violence tripled during the 1980s. Indeed, surveys indicate 72 percent of Americans think television entertainment shows contain too much violence.

The Concordia study—and this legislation—does not advocate rules that would ban violence from publicly broadcast or cable television. It is simply meant to quantify the violent content of the shows by an objective measurement, and to put that information into the hands of viewers.

Viewers would also be given the names of the sponsors of each show, which would give them two kinds of power they do not currently have as television consumers. Given a violence rating, viewers can know ahead of time whether each show is the type they and their children wish to watch. And they will also have the power to make their wishes known to the commercial sponsor as a form of economic pressure.

Concordia's goal is to enable students to develop as thinking, feeling, caring, ethical human beings. We seek to give students the knowledge, methods, attitudes and discipline they will need for a lifetime of service in a changing world.

This project fits well with our mission and we appreciate the opportunity to take part in this valuable and timely study. All across our liberal arts curriculum we offer courses and study segments dealing with moral and ethical issues. The issue of television violence certainly fits within these parameters.

It is morally correct to give our citizens the information they need to play a greater role in influencing the dominant media of our American culture. To leave that information and those decisions only in the hands of those who stand as gatekeepers in the entertainment industry raises serious ethical questions, in our opinion.

The incidence of violence in our culture cannot be ignored. We must look at every factor which may be contributing to that violence, and television is certainly one of those factors.

I welcome the opportunity to speak for the students and faculty of Concordia College, Moorhead who have taken on this project. I am impressed at their interest in this matter which clearly reflects the concern we all share.

I will be pleased to answer the committee's questions about this critical issue.

The CHAIRMAN. Thank you very much, Dr. Dovre. Mr. Davis.

STATEMENT OF GAEL T. DAVIS, PRESIDENT, EAST SIDE SECTION, NATIONAL COUNCIL OF NEGRO WOMEN

Ms. DAVIS. Thank you, Mr. Chairman and members of the committee.

I am Gael T. Davis, president of the East Side Section of the National Council of Negro Women, located in south central Los Angeles. And I am here as someone directly impacted by the violence today, having been randomly shot by an urban youth.

The National Council of Negro Women is dedicated to raising the levels of health, education, and socioeconomic welfare of black families in this country. All educators know that we learn by example. The children today are taught violence on television before they can speak or distinguish between make believe or reality.

The fact that a child can view 8,000 murders and 100,000 acts of violence on television before they leave elementary school is appalling.

Violence is the No. 1 cause of death in the African-American community. And in south central, service providers receive combat pay. Every child knows at least one person that has been a victim of a violent crime. The environment is permeated with violence. It is unsafe for children to walk to and from school. It is unsafe to play in the park or even sit on the porch.

We have 80 percent latchkey children, where there will be no parent in the home during the afterschool hours when they are viewing the television. The television has truly become our electronic babysitter.

Violence is not invented by the children; it is taught. And television has become perhaps the No. 1 educational tool, almost more influential than school.

The violent environment, couple with violence seen on television, creates deep fears, low self-esteem, and an attitude that violence is power. Agencies like ours that are dealing with these problems need a whole approach to these issues. We want a safe zone created for our children, where they can be educated and entertained without violence.

We need the support of the industry to turn this escalating trend of television violence around. And the industry needs help to place the welfare of our children at a higher priority. It has shown over the past 27 years that it cannot do it by itself.

Thank you.

The CHAIRMAN. Thank you very much, Ms. Davis.

I am going to yield my time, in light of the ensuing panel, a very important—and of course this panel here, there is none more important—each of you have made very moving and poignant and dramatic statements, and the committee is indebted to you.

Like Ms. Davis, you are a victim; you are right on the front line, so to speak, on this subject. And, incidentally, we are not rushing through in the sense that we have got so many witnesses today, you ought to see the list of witnesses that volunteered and would stay and come. We just could not accommodate all of them. But, enough said.

Senator Dorgan.

Senator DORGAN. Ms. Wagner, is this position of yours going to make you unpopular in your business? We are not hearing the kind of testimony you have offered from people in your industry very often.

Ms. WAGNER. I will have to let you know in about a month. I preface this by saying I am here first as a mother. And in my life that is my priority setup. It is tough. It is a tough thing to stand up for, but it is something that—I am saying nothing here that I have not said from day one with every producer, every network meeting, every development session. I have been discussing this issue for a long time. And I think people know me already, so they may not be surprised.

Senator DORGAN. Dr. Donnerstein and others, let me first say that much of the work many of you have done, the coalition, the PTA and others, is wonderful work, and you have been doing it longer than most of us have been interested in this.

Ms. Wagner mentioned her children. Many of us are interested because of children. As I mentioned, I have a 6- and a 4-year-old, and the fact is they talk about supervision, but you can be out mashing potatoes and your kids are in watching three people get killed in 15 seconds, and it is very hard to supervise, very hard to supervise it.

I listened to Bill Bennett last evening say to somebody on television, this is the parents' responsibility. Well, it is, but we also have to deal with the world that is real. We have got 1 million kids this year who will be born in this country without a father—800,000 of them will never learn the identity of their father in their lifetime. We have disjointed families, unstructured families. We have got circumstances in which more kids are growing up in neighborhoods without guidance, without values, without family.

So, you have got to deal with things as they are, and what has happened to us is a group of people, a group of people in networks and in corporate enterprises are talking to us in our living room and talking to our children, and we are not able to talk back.

Now, Dr. Gould, your organization has done some work in the past, and I think, Ms. Belter, yours has as well and I think you indicated you are going to do some in the future, that move in the direction I have suggested with respect to a television violence report card.

Dr. GOULD. We have been doing that for some time, but through the FCC. You can reach millions of viewers because it will be publicized on TV, and we are limited to our membership and sending out releases to the press and the media hoping they will pick it up and run with it, but you have a much bigger audience.

Senator DORGAN. And is it not true—and Dr. Dovre, you might answer this—the Attorney General today, and as I mentioned in a speech she gave in Boston, said people ought to boycott companies that produce successively violent television or that sponsor them.

I share that, but I mean, my guess is, most of these companies do not know what they are sponsoring. They tell a buyer, go buy me so many gross rating points for my product, and the buyer goes and buys the violent program. I think most of these CEO's would be mortified to learn that their company is the one that is sponsoring it, but it seems to me we have a circumstance where if you do

an occasional report card, or Mr. Dovre does one, or the PTA does one or two, it does not really develop sufficient information on which people can act.

The Attorney General says let us do this, let us boycott, let us send a message, but nobody in this room understands who to send the message to, because we have no information, and could we not routinely develop that information?

Dr. Dovre, you are now going to demonstrate that it is not all that difficult. Is that what you are going to find, I hope?

Dr. DOVRE. We hope that is the result, yes, sir.

Ms. WAGNER. May I say something about that? If this is going to be set up in a major way, it is very important in addition to what you are saying to point out the positive programming. In films you can't just warn this is a violent film, because filmmakers argue with the ratings people when they make a film to get an R rating, they lobby to get an R rating for a very good reason. We now have a couple of generations that have been reared on violence for fun and many flock to the films with warnings.

Senator DORGAN. You make a good point, and it is one that we have discussed as well. We also ought to emphasize what is good about television. Television has an enormous potential for good, an enormous potential for good. It is largely wasted these days, but it has an enormous potential.

Let me just respond, Mr. Chairman, to one other thing.

The CHAIRMAN. Dr. Donnerstein wanted to comment.

Dr. DONNERSTEIN. I wonder, I think it is going to be important that we just do not count acts of violence. I think violence must be put in the context.

I think certainly we do not want to in any tell children they should not see "Roots," or they should not see "Holocaust," which contain a great deal of violence, and certainly in the work we do on violence against women, we worked with NBC on evaluating a program which depicted rape, a violent act, yet the way the network handled that rape in a national experiment indicated that people's attitudes about rape became more—less callous. They gave up a lot of the myths about rape.

So, it is not necessarily acts of violence which are the issue. I think it is the context in which that violence is depicted, and I think when one begins to think about counting that has got to become extremely, extremely important.

Senator DORGAN. I accept that point, and it is a useful and important point to make. I think you made the point about walking down the street with your children and seeing a fight break out across the street, and the instinct you have as a parent is to want to shelter your children from that violence that is occurring in a real way right in front of you. That is exactly the case, and yet, I mean, Dr. Donnerstein, you would know more about this than I do, but we impersonalize certain things.

If you are in a grocery store and somebody comes at the end of the aisle with a cart, how do you behave? You go first. No, no, after you. You go first. The same two people get in their car in the parking lot, and they are screaming and honking and giving obscene gestures to each other because it is impersonal, and that is what is happening in our television sets.

That fight on the other side of the street is personal and real. Those acts of violence coming through the TV set are somehow impersonal messages that institutionalize themselves, and that is what this discussion is all about.

Dr. GOULD. It is really important to pick up on Dr. Donnerstein's point, where if violence is portrayed accurately and honestly, then the viewer is so turned off by the absolute brutality and the destruction and all the consequences that you never see on television or movies that it will decrease violence. It is the gratuitous, sanitized, glorifying of violence that is so treacherous.

Senator DORGAN. And there have been examples of that with respect to conflict, particularly in Lebanon and also with respect to Bosnia, where the violence is so ugly that you can barely watch it, and that does not glamorize violence, and does not, in my judgment, do what some of these entertainment shows do to sensationalize and glamorize violence.

The CHAIRMAN. Ms. Belter, you had a comment.

Ms. BELTER. I think the other thing when we talk about the shows and putting violence in a context that makes it acceptable because of the subject matter, then you are also talking about programming that probably is not appropriate for young children, too, so you have to distinguish that when you are dealing with this issue, and this is something we all wrestle with, and we realize that.

I think using the report cards and doing the surveys right now that we are intending to do, it is an awakening again, it is an awareness you want to develop, and from that, hopefully, when you involve the education people here, you are also saying this is something that perhaps we need to look more closely at, that our children have this understanding as well.

Senator DORGAN. But that relates, then, to the chairman's suggestion, if this is something that children should not be seeing, and there are things that are on television that children should not be seeing, that deals with the suggestion of the chairman about when it is shown. If you are showing things at 7 or 7:30 in the evening and then protesting, well, we did not mean this for children, baloney. Of course you meant it for children. That is when they are watching television.

The CHAIRMAN. That is when they changed Beavis and Butthead. They changed it from 7:30 to 10:30.

Senator Mathews.

Senator MATHEWS. Mr. Chairman, I would like to ask the panel, I guess, basically the same question I asked General Reno, and that is whether or not we are attacking violence for children or whether we are attacking violence as an entertainment medium.

Can we really separate—now, I understand for very young children there is probably a line that we can separate, but between the teenagers who are going to come home in the afternoon and be watching TV by themselves, and the adult population? Do we need to get into the business of separating entertainment for them, or do we need to reexamine our own values and take a look at what we are calling entertainment and what we are going to produce as entertainment?

Dr. GOULD. I would like to see adults be better educated as to how violence is really injurious to them as well, not just for children, but I think you have to make a differentiation between what children can be allowed to see or not and what adults do. Adults can still drink and smoke cigarettes. Children cannot.

So, there is a line of difference between the two, but I think there is an awful lot of educating that parents need, and I would like to make one comment that really has not been addressed at all—that in the surveys, when the people say, we have seen too much violence, we do not want it, many of them are giving the politically correct answer.

When they go home, they turn on violence and get a kick out of it. They have problems. The society has problems. We have not recognized why we accept violence as much as we do. Yes, we pay lipservice to it, many, who speak against it turn it on in the privacy of their homes, so adults need an awful lot of consciousness raising and reeducating.

For children, we know clearly and well that we have to limit what they see because they do not have the options that adults do.

The CHAIRMAN. I am afraid the violence is going to outrun the education, though, I can tell you that. We have been waiting—here I am, for 27 years—and it is getting worse. The violence is winning out, education is losing.

Ms. WAGNER. I think with the advent of television and this whole escalation, one thing is that the major television audience, is the generation that grew up on it, from day one with violent cartoons. So, what the doctor is referring to, part of the sickness is the way we were raised, the way our generation was raised. These parents today, our generation, were the first ones that grew up on this stuff, so I talk about the adrenalin addiction.

Senator MATHEWS. I think that is a part of the problem.

Ms. WAGNER. That is a part of the problem for the adults. It does not mean that we have to say that is OK any more than we say it is OK for our neighbor to beat their child because, as she pointed out, they are the children of our—the children of our community are our children. We cannot just have blinders on.

We have accepted that finally with domestic violence, both with children and spousal abuse, that we have to address the violence even though we are not the ones in it. It is the same thing. Our children do not have to grow up with that addiction if we can stop the constant input.

The children today are the ones, except for those that are sitting there smoking just like mom and dad did, or maybe not even like mom and dad, but most children today will look at their parents or their aunt or grandmother and give them a bad time about smoking, because they have been educated. They did not have that constant input like my generation and generations before, of the advertising being pumped into their heads.

Senator MATHEWS. Dr. Donnerstein.

Dr. DONNERSTEIN. I was going to say really two things. There are certainly strong developmental differences, 4- and 5-year-olds process television differently than 10- and 12-year-olds, who process it differently than our age, and I think the other thing is that I think

education can be effective. Critical viewing skills, media literacy I think can go a long, long way to mitigate the problem.

Because one of the issues that always comes up, it is going to be those parents who use the advisories, it is going to be those parents who might use the V chip, it is going to be those parents who sit down with their child and discuss violence, who are probably not the parents and children we are most concerned about.

I hate to always shift the burden to the educational system, but at least there is temporarily, although for a short period of time, a captive audience who I think can be taught how to view the media, who can learn conflict resolution, who can learn about the problems of violence in society and be able to deal with it, and I think in fact it would go a long way to mitigating the problem.

Senator MATHEWS. It seems to me that in the situation here—you put your finger on it here, Ms. Wagner, about us overcoming the smoking. This is something that I think when I grew up we were all smoking. That was the thing to do, and I think if you look at the forties movies and fifties and so forth, everybody—you did not have a scene without two or three people smoking, but some way we convinced our children that that was bad.

Ms. WAGNER. I am sorry, I cannot hear you.

Senator MATHEWS. I said, some way we convinced our children that this is not chic any more, this was not the way to go, that smoking was bad, and they put that aside, and some way we have convinced them that a good clean environment is something to be desired, and I think most of our children today have more of an environmental consciousness than we did, and how do we do the same thing with respect to violence?

Ms. WAGNER. I do not know that we as the parents are the ones who did the convincing. I think that is part of the good aspect of the media. I think the information that was available to the children, they got it.

They do not have to shoulder the burden of everyday responsibilities., Getting the cans separated from the plastic, for the children, was not "yet one more thing" they had to think about so they got the importance instantly. Our structure around us keeps us from being able to hear the information that is coming out of there every day, the good stuff, because it makes our life difficult because we have to change it.

I think they got it in spite of us, and they are the ones—I see it all the time with my children, with other people's children. They are the ones who keep us on our toes about this stuff that we know is right, we heard about, and they are putting the pressure on us now finally.

Does that answer you?

Senator MATHEWS. It does, but are we saying that they are going to have to convince us that they do not want to see violence?

Ms. WAGNER. No, I am saying they did not say, "Mom, I want to know more about the environment." Somebody did that. Somebody put that on the media. Somebody imposed that. People got up and started screaming about it, and so if we have a system that stops the negative input to the children right away, whether it is exactly as Senator Hollings is proposing or not, I do not know how else to short circuit it quickly.

I think some kind of a situation like that needs to be done which will bring all kinds of conversation and all kinds of controversy, I mean, yes, it will, and it will be very difficult, and it also will bring a lot of forced education, because people cannot deny it any more, and it requires educational things that you are referring to, and all of the other kinds of things that will spin out of that, thereby creating that systemic shift which happened on these other levels.

Senator MATHEWS. Thank you. I see my time is up, Mr. Chairman.

The CHAIRMAN. Well, the committee is indebted to each of you, and we are going to have to change over now and get the final panel here, if we can do it as quickly and as quietly as we possibly can.

The committee will next hear from Jack Valenti, the president and chief executive officer of the Motion Picture Association, Mr. Howard Stringer, the president of CBS Broadcast Group, Mr. Winston H. Cox, the chairman and chief executive officer of Showtime Networks, Mr. Al DeVaney, the chairman of the board of the Association of Independent Television Stations, Mr. George Vradenburg, the executive vice president of Fox.

While you folks are being seated here, we will enter into the record the statement of Dean Stockwell and Joy Stockwell with respect to violence on TV.

[The statements of Ms. Purl, Ms. Clark, Mr. Karas, Ms. Stockwell, and Mr. Stockwell follow:]

JOINT STATEMENT OF MARA PURL, SUSAN CLARK, AND ALEX KARAS

We are sorry we cannot be there in person to support Senate bill S. 1383 which is before you today. As members of the communications/entertainment industry we realize the tremendous importance of responsible television programming. Given the evidence of a shocking increase in teenage violent crimes we acknowledge that something must be done about the atmosphere of violence in which American children are raised. Combined with the factors of latchkey situations in many families and the ever present video games in which children learn, at an early age to kill or be killed, the presence of violence on television only serves to reinforce the subliminal message that violence is acceptable. Children need to see examples of problemsolving and communications skills, rather than the steady dose of violence they are getting presently. How can we expect changes to happen if we cannot be strong enough to meet the challenge?

Please vote for S. 1383 and let this be the first step on the road to helping America recover from this epidemic of violence.

Thank you.

JOINT STATEMENT OF JOY STOCKWELL AND DEAN STOCKWELL

We are sorry we cannot be there in person to support Senate Bill 1383 which is before you today. We are truly at a crossroads in history. Violent crime among the very young is at record levels. Television has led the way by desensitizing us to violence. We have given games, the likes of which are unprecedented, to small children, especially boys—games whose only lesson is to kill or be killed. In the most recent and hugely popular "game," kids can dismember their opponent once he is killed. This desensitization to human pain and suffering can only serve to program antisocial thoughts in innocent minds. If it is wrong to kill when why do we allow killing games? Teenagers, for years now have "played" at stomping on, slamming down, or obliterating with gunfire, their opponents. At critical stages in their development they are receiving sociopathic messages. Why then are we shocked by the increase in teenage violent crimes? Where are the children getting the lessons with which to go out into society and function? It has always been through childhood "play" that the young learn to become adults in their society. With firm, loving guidance of "elders" they learn respect for themselves, others and their environment, and appro-

priate ways to resolve conflicts. Today, we entrust lessons of "elders" to electronic devices. With the powerful reinforcement if violent behavior as a viable option, by viewing adult TV shows and movies, we risk that the crisis will worsen. This generation has viewed thousands of murders by the sixth grade—those whose parents have allowed it, that is. There are millions of families in America which strive to teach appropriate behavior and communication skills. They do not allow children to play violent video games or watch television or movie violence. They play with their children and try to promote self-esteem, cooperation, and positive values. But for the million of families which, for whatever reason, do not or cannot give their children these gifts, we must ensure that what their children receive is not sociopathic programming such as I have described. The elimination of TV violence for consumption by the very young is an imperative first step in the process of healing our society.

We hope that the communications/entertainment industry will see the wisdom in taking responsibility for what they put on the airwaves for all to see. Televisions and video games are in a sense "elders" to millions of future adults. What are the lessons they get from these machines? We can begin to "turn the tide" by protecting our young people from witnessing violence on television, and by questioning the wisdom of allowing them to play "sociopathic" games. Children who have already received years of negative programming need to be identified and helped, now, before it is too late. We urge you, honorable representatives of as all, to vote for S. 1383 so the healing can begin in America. Thank you.

The CHAIRMAN. Let us start with Mr. Vradenburg and go right on through. Mr. Vradenburg, you and the others, we apologize for the tardy hour, but you can see we have got the members present here still. They are vitally interested.

The statements will be included in the record in their entirety, and if you can highlight it within 5 minutes we would appreciate it very much.

STATEMENT OF GEORGE VRADENBURG III, EXECUTIVE VICE PRESIDENT, FOX INC.

Mr. VRADENBURG. Thank you, Mr. Chairman. I recognize the topic is important, and we have certainly waited patiently and are glad to make our views known.

My testimony this morning will be brief. I will make only three points, and I will try and summarize my points, Mr. Chairman, rather than going through the written testimony.

Point 1, we at Fox believe we are responsible for assuring that there is no sort of bad violence on our air. We are grappling with this problem. We all recognize the difficulty, however, in defining the difference between good violence and bad violence. You have heard some characterizations from the last panel and earlier this morning.

Gratuitous, glamorized violence, violence that suggests that it is the solution to life's problems, is bad violence. Yet, as Attorney General Reno pointed out, violence on TV that shows the consequence to victims, that in fact shows violence in the most realistic way possible, can prove to be useful to society.

I have up here our program schedule, Mr. Chairman. And rather than go through it in any detail I would ask that you put a copy in the record for purposes of the record.

The CHAIRMAN. It will be included, yes.

Mr. VRADENBURG. We at Fox believe that our program schedule does reflect the distinctions between good and bad violence, and only put on the air depictions of violence which are portrayed in a responsible manner.

I would specifically point out that most of this schedule is comedy and continuing or lighthearted dramas, and really cannot raise,

I do not believe, any serious question about widespread use of bad violence on TV.

I would focus in particular on America's Most Wanted and Cops, which are two programs which have been cited by some as containing some violence, and point out that America's Most Wanted in particular has been responsible for the capture of 269 fugitives. America's Most Wanted and its host, John Walsh, have been the recipient of numerous awards and commendations from the former President of the United States, the U.S. Department of Justice, the FBI, and other law enforcement agencies.

This, it seems to me, falls right in the mainstream of exactly what General Reno was talking about when she said it can be healthy if in fact you show violence in the most realistic way possible. This show tends to do that, although most depictions of violence are actually offscreen, but it reenacts violent crimes in an effort to capture criminals. It has been successful.

Cops is another series that has been cited by some as containing some violence, although here again most the violence has already occurred by the time the cops get on the scene. And this show has been cited by many in the law enforcement community as a positive depiction of the police forces in our country.

So, I would suggest, Mr. Chairman, that we have tried and grappled with the problem, and tried in our schedule to reflect the research over the years, to try to put on our schedule only those depictions of violence which are realistic, which are appropriate within context, and that are not gratuitous or glamorizing violence.

My second point, beyond our own responsibility to regulate carefully what we air, is we believe parents are and should be the primary regulators of their kids' viewing. Some have suggested that we cannot rely on parents to supervise their kids, that parents are not around to do it. We disagree.

A study attached to my testimony shows that an adult, and normally a parent, is present in the home with a child over 90 percent of prime time. In short, we believe adults are there to supervise their kids' viewing, and that we should rely on them to do so.

One point was made this morning about promos in children's programming for violent programs. We at Fox do not put promos for adult-oriented programming in our children's product, and indeed instruct and direct our affiliates, for example with respect to Cops, not to put promos for Cops in anything but adult-oriented programs.

Third and finally, and perhaps most importantly, Attorney General Reno said there is no single answer, there is no simple answer. TV can be a tool for good or for evil. And we at Fox would sign up for Attorney General Reno's pledge to take responsibility and to work with her in a comprehensive effort to try to address and to use television to address the problem of violence in society.

We at Fox want to be part of the solution, not the problem, to what ails our country. We believe, for example AMW, America's Most Wanted and Cops do just that. We will soon launch a public service campaign to challenge Americans to do something about guns in schools.

We are already today airing over 650 60-second announcements a year in our children's programming aimed at responsible TV

viewing and safe gun practices. Our existing children's public service commitment exceeds $15 million a year, and reaches over 17 million kids a month.

I would, with the committee's indulgence, like to play just two of those spots in conclusion, one actually reflecting a point Mr. Gould just made, the need to educate parents on responsible viewing. The second actually reflects something that General Reno mentioned, and that is that we ought to warn kids never to go near a gun.

These are two 60-second spots, and that will end my testimony.

[A videotape was shown.]

Mr. VRADENBURG. Thank you, Mr. Chairman.

[The prepared statement of Mr. Vradenburg follows:]

PREPARED STATEMENT OF GEORGE VRADENBURG III

Thank you Mr. Chairman. My testimony this morning will be brief—I want to make only two points.

First, the Fox prime time schedule is dominated by comedies and serial and lighthearted dramas and could not possibly serve as the basis for any concern regarding wide-spread violence on television. The only way we know to respond to generalized attacks upon our medium is to focus on the specifics of our actual programs. This is our prime time schedule:

- Monday—Two hour movies, mostly comedies and lighthearted dramas. The occasional action film is accompanied by a parental advisory in accordance with the plan announced this summer by the four networks.
- Tuesday—Two comedies followed by "America's Most Wanted", a crime fighting reality show responsible for the capture of more than 269 fugitives. "America's Most Wanted" and its host, John Walsh, have been the recipient of numerous awards and commendations from the President of the United States, the United States Department of Justice, the FBI and other law enforcement agencies.
- Wednesday—"Beverly Hills 90210" and "Melrose Place", two continuing dramas, decidedly non-violent.
- Thursday—Three comedies led by "The Simpsons" plus "In Living Color", a variety show. Not a speck of violence.
- Friday—"Brisco County, Jr." a light-hearted Western in the tradition of Indiana Jones, plus "X-Files", suspenseful, but non-violent.
- Saturday—"Cops", another crime fighting reality series praised by law enforcement personnel across the country as portraying a positive image of police officers. "Cops" regularly carries parental advisories and doesn't glorify violence but instead shows its negative consequences for both victim and perpetrator. "Cops" is followed by Fox News' "Front Page".
- Sunday—An hour variety show followed by six comedies. At three hours, our longest night of television and not one speck of violence.

In the tradition of the highest standards of broadcast network television, our prime time schedule is subject to continuous oversight by our Standards and Practices Department. In addition, our children's programs are guided by the advice of an outside advisory board made up of educators, social scientists and concerned parents.

Second, beyond our own responsibility to regulate carefully what we air, we believe parents are and should be the primary regulators of their kids' viewing. Some have suggested that we cannot rely on parents to supervise their kids' viewing, that parents are not around to do it. We disagree. A study attached to my testimony shows that an adult, normally a parent, is present in the home with a child over 97 percent of prime time. In short, adults are there to supervise their kids viewing.

We cannot escape the reality that adults and kids alike all use TV at all times during the day. We cannot simply separate adults' time from kids' time. When programming aimed at adults may be inappropriate for kids, parents are the only practical arbiter of kids' TV viewing. We should rely on them to do so.

We at Fox recognize that there is real pain, anger and frustration in our society. Violence, drugs, alcoholism and family abuse are just symptoms of some underlying social dysfunction. As Hillary Clinton has recognized in discussing the Politics of Meaning, Americans are searching for a positive way to deal with their feelings of alienation and the reality of their lives. Television can help in that search. But TV does its best when it is dealing with the truth, not ignoring it * * * when its pro-

gramming deals with real life issues, including violence, and not forced exclusively into an irrelevant "A Brady Bunch" world of instant solutions.

Fox is committed to using the television's strengths to be part of the solution, not the problem, to what ails our country. We believe "America's Most Wanted" and "Cops" do just that. We will soon launch a public service campaign to challenge Americans to do something about guns in schools. And we are already today airing over 650 60-second announcements a year in our children's programming aimed at responsible TV viewing and safe gun practices. Our existing children's public service commitment exceeds $15 million and reaches over 17 million kids a month.

Here are two of those spots—one encouraging parents to supervise the TV viewing of their kids; and one warning kids not to play with guns.

[Show tape.]

In closing, I want to emphasize that Fox Broadcasting is trying earnestly to conduct itself responsibly and to do our part in addressing the issue of TV violence. We stand ready as well to assist this Congress in using TV to address the critical issue of violence in our society.

Thank you.

["When Children Are in the Presence of Parents and Other Adults: A Survey of Parents," by the National Research, Inc., Chevy Chase, MD, February 1990 may be found in the committee's files.]

The CHAIRMAN. Thank you very much, Mr. Vradenburg. Mr. Valenti.

STATEMENT OF JACK VALENTI, PRESIDENT AND CHIEF EXECUTIVE OFFICER, THE MOTION PICTURE ASSOCIATION OF AMERICA

Mr. VALENTI. Mr. Chairman, I think it is clear that the Congress and the public, which by the way includes all of us up here and all of us in the movie and broadcast industry, are seriously fed up with the madness that with malignant fidelity stalks our streets and infests our neighborhoods.

And none of us knows even with a wobbly certainty, what causes one human being to inflict upon another brutalities of the most vicious and cheerless kind.

But if television is responsible for even, as I have said many times, the slightest bit of blame for that then we at this table and those of our colleagues have to respond responsibly and diligently. This we have done, will do, and so pledge this committee.

Now, let me tell you what we are about. In the movie broadcast business, in the creative community, our business is telling stories about the human condition. We tell stories about everything.

What we are trying to address, Mr. Chairman, is how do we tell stories about the frailties and the follies and the triumphs of men and women, of conflicts that engage them and enrage them and entice them and sometimes elevate them, and the heroism of the human spirit, and to do all of that and at the same time portray action and controversy that is both real and responsible. That is our objective.

All that the broadcast and film industry and cable industry pledge to do we will do, within the embrace of the first amendment, that is unintimidated by commandments of Government or agencies of Government. We are going to do this, Mr. Chairman, because I believe and all of us believe it is right that we do do it.

Here is what we are doing, and have done, and will do. The networks, through their standards and practices division, as Howard Stringer will no doubt explain to you, are imposing on the final ver-

sions of programs they will exhibit the most careful attention to eliminating excessive, gratuitous and glamorizing violence.

The networks are meeting with their producer-writers right now, and have been and will do that, to assure that there is a sensitive evaluation of how you deal with violence in a story.

The major studios are conducting similar meetings with their producer-writer-directors. They are doing it because they want to cooperatively eliminate, exile that violence which is unnecessary to plot or character.

And the creative guilds, the Actors Guild, the Writers Guild, the Directors Guild, the Producers Guild, the caucus for writers, directors, and producers are embarking on a continuing dialog. We have already started it, and they are embarked on it right now with their members trying to lift the awareness, and I think that is important.

Lift the awareness of the need for eliminating violence. The networks, and the guilds, and the studios right now, and Fox is showing you an example of it, are preparing public service announcements which try to deal with how to settle disputes with something other than violence, or dealing with how to deal with guns.

Attorney General Reno talked about the need for having special programs on the air, and that is being created right now with the networks, and the movie industry, and the guilds all embarking to create a special TV program that would deal with the settlement of disputes with alternatives to violence.

At the same time as these messages do, instruct parents on how to talk to your kids about not only violence on television but violence in the street, which is real and which is not. And we hope to roadblock that program—that is, to show it on all the networks at the same time on the same day, and then maybe distribute the video cassettes of this to schools.

The four networks right now are applying parental advisories, and again I salute ABC, CBS, NBC, and Fox for doing this. I think is a wonderful thing that they are doing to give cautionary warnings to parents so that parents can make individual judgments about what they want their kids to see and not to see.

And finally, I am setting up a steering committee in California including networks, the four guilds, the caucus, cable networks, major studios, everybody to form a smaller group that forms a kind of our own little monitoring group that is going to be reporting back to our constituency the efforts of our joint labors.

But I will say this as I conclude here. I think there is much more to the collapse of the assumed social normalities in this country, Senators, than a TV set.

What is required really is something that is mighty hard to do. It is to return to what William Faulkner, the great southern writer, Mr. Chairman, once described as the old verities, the universal truths without with every story is ephemeral. And a return to kind of—and I know this word has been overused but it is real "values," where parents instruct their kids in a standard of values so when they leave that front door and go out on the street, they are so fortified about what their parents have instructed them that the shield that they wear will be impenetrable to what they find out-

side. And if they do not have that no agency, no Government, no Congress, nobody is going to be able to salvage that child's conduct.

We want to join in that crusade, all of us, to try to bring back some sanity to where insanity has been the premier reigning king.

We thank you for allowing us to tell you what we are doing.

[The prepared statement of Mr. Valenti follows:]

PREPARED STATEMENT OF JACK VALENTI

In his first campaign speech as a candidate for Congress, Abe Lincoln said: "My politics are short and sweet, like the old woman's dance."

Likewise is my response to this Committee.

We in the creative community have a minimum regard for research which offers up THE THREE STOOGES and ROADRUNNER cartoons as violent, dangerous material to be handled with extreme care. Yet many folks declare the research to be definitive, beyond rebuttal. "TV causes anti-social behavior. Case closed."

However, rather than quarrel over what is right and who is wrong, the broadcast/film/TV industry is determined to react with responsibility, and diligence. This we will do and so pledge this Committee.

We don't really know, nor does anyone else know with even a wobbly certainty, what causes one human being to inflict upon another brutalities of the most cheerless kind. No wonder Winston Churchill wrote that crimes, follies and infirmities are always associated with the history of mankind. Perhaps it is because human behavior is unpredictable, human edges are blurred, mortal beings do not conduct themselves with robotic precision. As one observer once remarked, "Nature never draws a line that isn't smudged."

What we do know is that this Congress and the public (which includes everyone in the film/broadcast industry) are seriously fed up with mayhem and madness that with a malignant fidelity stalks our neighborhoods and infests our streets. Here in this federal city we bear frightened witness to a war zone where no child is safe and no street is secure. It's a national shame. No wonder the people cry out, "for God's sake, do something!"

The broadcast/film/TV programming community is moving actively to "do something," about reducing excessive, gratuitous violence on TV without debating whether or not TV is a contributor to anti-social conduct. We are past that. We want to challenge this issue responsibly, without doing a political minuet around a metaphysical maypole.

Consider the vast, almost limitless legions of programming on broadcast stations and cable. Consider that in 1992, the voluntary movie rating system rated 616 films annually, some 1,200 hours a year of movie-making. Contrast that with some 75,000 hours of programming a day, on broadcast stations and cable. Out of that huge cornucopia of programs, as vast and varied as a galaxy faraway, there exists a wide spread of quality in story telling. There is a formidable difference in how each hour of programing depicts and presents violence, non-violence, romance, action, comedy, passions, poignancy, and the conflict of good and evil, the core of plotting since the beginning of the stage and screen.

The movie/TV creative community tells stories about the human condition, in all its guises. Therefore what we are trying to address is how we tell stories about the frailties, the follies of men and women and the conflicts which engage them, enrage them, entice them and sometimes elevates them, as well as the heroism of the human spirit, and at the same time portray action and controversy in ways that are both real and responsible. That's our objective.

But neither the Congress nor story tellers can escape the unruly fact that what is "acceptable" to some is "unsuitable" to others. What is gauged as "reasonable" by some, is judged to be 'unreasonable' by others.

Which is why lawmakers tread bogs ground when they want to apply statutory regulations to creative designs'. Which is why we must consider, most respectfully, the First Amendment. It is the least ambiguous clause in our Constitution. Its spare, bleached prose constructs a shield which our government dare not try to penetrate. All that the audio visual industry pledges to do will be shaped within the embrace of the First Amendment, that is, unintimidated by commandments of government or agencies of government. We will do what we promise to do because we believe it is right and responsible to do.

We in the broadcast/film industry present to you today the specific affirmative steps we have taken, are taking and plan to take, all of which are aimed at being thoroughly responsible in the depiction of violence within stories of action and conflict.

Our assumption of responsibility in story-telling is summed up as follows:

1. The networks, through their standards and practices divisions, are imposing on the final versions of programs careful attention to eliminating excessive, gratuitous or glamorized violence.

2. Networks are also meeting regularly with their producers and writers to assure there is a sensitive evaluation of the use of violence in their story telling.

3. The major studios are conducting similar meetings with producer-writers with whom they are associated in an effort to cooperatively remove any depiction of violence which is unnecessary to plot or character.

4. The creative guilds, Actors Guild, Writers Guild, Directors Guild, Producers Guild, and the Caucus for Writers, Producers, Directors are embarking on a continuing dialogue with their members, the aim of which is to lift the awareness of the need for exiling gratuitous violence, especially that which glamorizes what most people would consider to be anti-social behavior.

5. The networks, the guilds and the studios are at work in preparing Public Service Announcements whose objective it is to emphasize alternatives to violence in the settlement of disputes.

6. The networks and studios, in collaboration with the creative community, will produce a Special TV Program dealing with alternatives to violence in settling disputes, as well as helping parents discuss with their children the depiction of violence in TV programs, news shows, sporting events, etc. The networks will "roadblock" this Special (that is, all networks will air the program at the same hour on the same day) as well as make videocassettes available to schools throughout the nation.

7. The four networks are at this moment applying "Parental Advisories" to all programs which, in their judgment, warrants cautionary warnings to parents so that parents can make their own decisions about individual programs they choose their children to watch or not watch.

8. A Steering Group, comprised of representatives of each of the four guilds, the Caucus, the Alliance for Motion Picture & Television Producers, the broadcast networks, the major studios. and cable networks, will meet regularly over the next year to discuss the effects of their joint efforts. Each representative of the Steering Group will report back to his or her respective constituents on their labors.

We in the film/broadcast industry present to this Committee our covenant with the Congress and the American people which we obligate ourselves to redeem.

But there is more, much more to the collapse of assumed social normalities than a TV set. What is required is a return to what William Faulkner described as "the old verities, the old universal truths," what others call "traditions and values." The blood and bone of a durable society is formed by how the citizens of a nation conduct themselves among daily moral challenges.

Not only the Congress, but families, churches, schools, business, education, and the creative community of film and broadcast have to join in the reassertion of "right vs. wrong." The entire U.S. film and broadcast industry is poised and ready to assist the White House and the Congress in attacking frontally what most expert observers of the human drama deem to be the major causes of violence, intruders drenching our streets in senseless acts of mindless malice. But citizen and public official alike are often reluctant to do what has to be done to say: "No more trespassing in our community."

Who are these intruders? We know them all too well: Lack of parental responsibility, broken homes, one-parent households, abject poverty, a breakdown of discipline in the schools, a collapse of institutions which ought to be serving those who most need assistance, abandonment of the church and, please let us face up to this, the endless flood of weapons easily available to teenagers and adults alike.

There is yet to be done so much more.

The CHAIRMAN. Very good. Mr. Stringer.

STATEMENT OF HOWARD STRINGER, PRESIDENT, CBS BROADCAST GROUP

Mr. STRINGER. Thank you, Senator. Well, I too came here to admit some responsibility for violence. I came here to testify, but I am actually attempting to confess and await sentencing.

But instead of reading my remarks, there is a point of clarification for everything that I have heard so far. This committee, I believe, promulgated the virtue of 500 channels, yet the Attorney General is suggesting that legislation against television violence

this morning is constitutional, but she said it also applies to broadcasters, not cable.

We have also heard enthusiasm for challenging advertisers for their support of violent content. They too disproportionately support broadcasters, not cable.

Trust me—well, that is probably too optimistic. We are no longer alone out there. The problem of television violence is a 500-channel problem, not to mention video games and movies, and singling us out will only make citizen Malone die laughing. The horse has bolted the stable and we no longer are the stables. The world is changing, and the vast media world that you worry about quite accurately is bigger than a handful of networks.

Some panelists, witnesses, began their remarks by saying, "I do not watch television." Well, I think if you watched the networks you would be more reassured than you believe that there is less violence than ever before.

There may have been other pilgrims to Washington to plead the network's cause, but it is the first time that I have been down here this year.

Action adventures on our network are down from 23 to 8 percent, but I promise you they will migrate to the world of television beyond us.

We have a responsibility for the violence that is on the air, and our standards and practices division of 25 people is working harder than ever, but we did not invent violence and TV has a lot to be proud of.

A careful examination of our schedule yields a different conclusion from those our critics suggest. Of 22 hours of prime time weekly, more than 1,100 hours annually, only a small number of the movies and perhaps a few episodes of our series fall into a kind of violence classification and again, less than ever.

But such issues as child and spousal abuse, sexual harassment, and AIDS prevention, to name but a few, have received their most thoughtful treatment on network television.

The degree to which already skittish advertisers are discouraged from supporting these programs will only serve to deprive, I believe, mature viewers of thoughtful treatments of serious subjects. And such threats to program diversity are real and should be resisted by all of us who support individual choice, and the fullest range of creative expression, and the preservation of quality free and universal television.

But like Jack, I am anxious to turn our efforts away from defense and justification to a more powerful use of our powerful medium to combat violence across the board. We stand ready to cooperate with the Government, the production community, and our advertisers to combat this scourge just as we have taken on drug and alcohol abuse and smoking.

We accept in both a corporate and personal sense the responsibility to work to resolve this issue, for if we separate like church and State our corporate values from personal values, then we broadcast programs to others we would not share with our own family or friends.

We know we are guests in the living rooms of America, so our personal values ought to be a litmus test of taste and the surest

guide to decency and sensitivity. That is not just preferable to censorship, in the end it is likely to be more effective.

Thank you very much.

[The prepared statement of Mr. Stringer follows:]

PREPARED STATEMENT OF HOWARD STRINGER

To put this hearing in context, I feel compelled to note that this has been a year in which our myriad competitors have merged, splurged and converged into the brave, new, multimedia future, while we still grapple within our own anachronistic regulatory structure. We have endured the cable cartel's use of retransmission consent negotiations to humble CBS in retribution for our role in last year's cable debate. On a happier note, we succeeded in bringing David Letterman to CBS. Nevertheless, despite these major corporate and industry challenges, I have actually spent more time on the issue of television violence than any other.

I say that not to complain, but to try to make clear to you that this is an issue we have taken very seriously. We have heard the concerns voiced by our viewers, the academics, and by you and your colleagues, and we have taken action.

Yet, we are having great difficulty convincing you and your colleagues that voluntary, self-regulation—at least in so far as the broadcast television networks are concerned—is working. I believe a careful review of the facts will show that the broadcast networks have responded to the challenge put to us by Senator Simon and so many of you. I urge you to undertake that review because legislation in this area is fraught not only with constitutional peril, but also poses great danger to high quality, free and universal, over the air television.

Let me reaffirm clearly at the outset that CBS recognizes the leading role we play in our society, and we accept the responsibility that comes with that leadership.

While we do not concur with the more expansive "lockstep causal relationship" postulated by many of the social scientists who have studied television violence, we readily acknowledge that if we contribute in any way to the epidemic of violence in this country, we have no choice but to do better.

That is why CBS, unlike any other channel on the ever expanding dial other than our over the air network colleagues, has a Program Practices Department which, working with CBS Entertainment, carefully reviews every project and every script that we even consider airing. We work with our advertisers and our program suppliers to seek adherence to our standards, and we reserve and do exercise the right to edit programs delivered to us because we accept the ultimate responsibility for what the CBS Television Network sends into every state, and every community, and every home in America.

But seeking to make ever more certain that we are doing everything we can, last spring, in preparation for setting our 1993-1994 program schedule, we convened lengthy sessions of our senior management including our scheduling and production, program development, promotion, program practices and advertising sales divisions to review all aspects of the television violence issue. We asked ourselves tough questions about the appropriateness of where we place programs on our schedule—and I have acknowledged previously that we could have done a better job on that score last year.

We studied our promotional spots and their placement so as to be more sensitive to younger audiences. We looked more carefully at the content of movies, both those made for television and theatrical releases that we air. And while we do edit inappropriate content out of the theatricals we air, we also regularly choose not to purchase rights to successful movies that we know would never be able to meet our standards, even though we know that our competitors will air them, often unedited, to significant viewing audiences.

The prime time schedule that emerged from those deliberations and began this fall is decidedly less violent.

Sunday * * * America's most watched program, 60 Minutes, and Murder, She Wrote. Monday * * * four comedies highlighted by Emmy Award winning Best Comedy Murphy Brown and Emmy Award winning Best Drama Northern Exposure. Tuesday * * * Rescue 911, a program credited with saving over 150 lives. Wednesday * * * two more sitcoms, then a new action comedy South of Sunset and 48 Hours hosted by Dan Rather. Thursday * * * in the Heat of the Night * * * Eye to Eye with Connie Chung * * * and a prime time soap opera we just canceled. Friday * * * a Dick Van Dyke "whodunnit," two comedies and this year's Emmy award winning Best Drama Picket Fences. Saturday * * * the surprise family drama hit Dr. Quinn, Medicine Woman, a new family comedy Harts of the West, and at 10 p.m., Walker Texas Ranger.

And movies on Sundays and Tuesdays. Some of them do have violent content, and yes, some of them this season will carry parental advisories. However, this past season 10 of the top 15 rated movies for all of television were on CBS—movies such as The Hallmark Hall of Fame Presentation, Skylark, and The Man Upstairs with Katharine Hepburn and none were the "true crime depictions" that, as a genre, have been frequently targeted for criticism in discussions of television violence.

Our movies this season will include Return to Lonesome Dove, and Buffalo Girls, two Hallmark Hall of Fame presentations, one with Joanne Woodward and the other, To Dance with the White Dog starring Jessica Tandy and Hume Cronyn, Gypsy, starring Bette Midler, and the return of Bill Cosby and Robert Culp in I Spy.

And finally, our schedule this year, in addition to our acclaimed series and movies, includes the World Series, the Final Four, the Grammys, the Country Music Awards, the Kennedy Center Honors, and, in February, our second Winter Olympic Games within two years.

As you can see, a careful examination of our schedule yields a far different conclusion than our critics suggest. Of our 22 hours of prime time weekly, more than 1100 hours annually, only a small number of the movies, and perhaps a few episodes of any of our series, fall into any kind of violence classification.

But recognizing that we do have some movies and an occasional series episode that have some violent content, we also began to explore improved ways to advise parents of problematic program content that might cause them to restrict their children's viewing. Working with our colleagues at ABC, NBC and Fox, we implemented the "Advance Parental Advisory Plan" designed to provide parents with adequate, timely information about depictions of violence that may be contained in programs we air.

Where appropriate, CBS now airs a cautionary advisory to parents which specifically refers to a program's violent content. In addition, for any program that carries an advisory, all promotion for that program, whether on our own network, or on radio, or in newspapers or magazines includes an appropriate advisory.

I would like to turn for a moment to a chilling aspect of this debate. Unlike cable with its subscription income, free television is totally dependent on advertising revenue to support the programming we air. No matter how seemingly worthy the objective, we are concerned by any proposal that targets, intimidates, or seeks to penalize advertisers. Well-intended as this may be for objectionable violent content, there is abundant evidence that others attempt to quash what they deem controversial programming by targeting advertisers as well.

The made-for-television movie, the program genre most frequently targeted has often provided illumination of controversial themes. It is frequently the most controversial among these that has provided invaluable social benefits. Such issues as child and spousal abuse, sexual harassment and AIDS prevention, to name but a few, have received their most thoughtful treatment in this form. The degree to which already skittish advertisers are discouraged from supporting these programs will only serve to deprive mature viewers of thoughtful treatments of serious subjects. Such threats to program diversity are very real and should be resisted by all of us who support individual choice, the fullest range of creative expression, and the preservation of quality, free and universal television.

We also remain especially concerned about non-network programs we air on the stations CBS owns. We have little control over the content of individual episodes of those programs, particularly the tabloid shows that now dominate the prime time access period, a time which the FCC effectively prevents us from programming ourselves. These syndicated programs, shown in the early evening, have projected a new blend of flashy, quick, MTV-paced sex and violence that should concern all in our business.

Finally, there is no simple answer to this problem. It cannot and will not be solved in a day or a week. But we have already taken important steps. We are prepared to do more. And we will.

I am anxious to turn our efforts away from defense and justification to a positive use of our powerful medium to combat violence across the board. We stand ready to cooperate with government, the production community and our advertisers to combat this scourge, just as we have taken on drug and alcohol abuse, smoking and other threats to the public health and well being.

As we continue to struggle with the question of television violence, however, I hope you will accept CBS's good faith reaffirmation of our concern as to how violence is depicted on our network and our reassurance of our commitment to apply reasonable standards to our programming reflecting that high degree of concern.

We accept in both a corporate and a personal sense the responsibility to work to resolve this issue. I am the proud father of a ten month old son, and a member of a senior management team which includes many parents of young children. We reg-

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ularly discuss whether we would be comfortable having our own children watch what we are distributing to the children of others.

For if we separate, like church and state, our corporate values from our personal values, then we broadcast programs to others we would not be willing to share with our own family and friends. We are guests in the living rooms of America, so our personal values should be the most useful litmus test of taste and the surest guide to decency and sensitivity. That is not just preferable to censorship; in the end, it is likely to be more effective in a democratic society.

Thank you, and I will be happy to attempt to answer any questions members of the committee may have.

CBS PRIME TIME 1993

	8:00	8:30	9:00	9:30	10:00	10:30
SUNDAY 7:00/60 Minutes	MURDER, SHE WROTE		CBS SUNDAY MOVIE			
MONDAY	EVENING SHADE	DAVE'S WORLD	MURPHY BROWN	LOVE & WAR	NORTHERN EXPOSURE	
TUESDAY	RESCUE 911*		CBS TUESDAY MOVIE			
WEDNESDAY	HEARTS AFIRE	THE NANNY	SOUTH OF SUNSET		48 HOURS	
THURSDAY	IN THE HEAT OF THE NIGHT		EYE TO EYE WITH CONNIE CHUNG			
FRIDAY	DIAGNOSIS MURDER STARRING DICK VAN DYKE		BOB	FAMILY ALBUM	PICKET FENCES	
SATURDAY	DR. QUINN, MEDICINE WOMAN		HARTS OF THE WEST		WALKER, TEXAS RANGER	

The CHAIRMAN. Mr. DeVaney.

STATEMENT OF AL DeVANEY, SENIOR VICE PRESIDENT & GENERAL MANAGER, WPWR-TV CHANNEL 50; AND BOARD CHAIRMAN, ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC.

Mr. DEVANEY. Good afternoon, members of the committee, my name is Al DeVaney. I am the senior vice president and general manager of WPWR Television in Chicago, and I serve as the chairman of the board of the Association of Independent Television Stations. INTV is a nonprofit trade association, representing local stations that are not affiliated with ABC, CBS, or NBC.

The discussions surrounding the many causes of violence in America will continue long after this hearing. If we have learned nothing else today, we have learned that.

But I recognize that this is not the issue before us today. Congress is looking for television to do its part, and your message has been heard loud and clear by the independent stations. As federally licensed stations, we have an obligation to you, to live up to congressional expectations regarding our performance.

Independent stations are doing their part. In June, INTV adopted a two-prong program to address television violence; and a copy of that program is attached to my written statement. First, to help guide stations, we enacted programming guidelines for entertainment programs and promotional announcements. Second, INTV en-

couraged stations to provide on-air advisories for those programs containing violent scenes that parents might find unsuitable for children. In fact, we were the first television organization to enact such a program.

I am happy to report to you that all INTV members, and 53 nonmember independent stations, have enacted our program guidelines or have established individual station policies of their own, that are consistent with INTV standards. Virtually all of our members, and the 53 nonmember stations, are providing or intend to provide advisory messages.

Our program is working. Last week, we commenced a survey regarding local television station performance. While complete results are not in yet, early responses tell us that stations are taking the program very seriously. Stations are rescheduling programs, especially movies, if they contain violence, and they are moving them to a later time period. Stations are editing programs that contain violent scenes; and stations are providing advisories to parents and all viewers.

Mr. Chairman, my written testimony will provide to you numerous examples of the types of programs that fall under our new standards. At my own station, we have added parental advisories to most of our so-called action hours, and also, to action movies. And we are more careful now, evaluating the purchase and scheduling of movies.

As an example, we recently rescheduled an edited-for-television version of Bonnie and Clyde, because we were concerned about the violent content. And we recently declined to purchase a certain syndicated movie package, because of its violent content. As a further example of how sensitive we have become on this issue, we have gone so far as to label The Three Stooges, because others have pointed out there are violent acts in The Three Stooges.

Of course, INTV cannot force our stations to comply with this program; it is voluntary. But nevertheless, there appears to be a new ethic developing in our industry. Concerns about violence are influencing station decisions, with respect to scheduling, editing and purchasing of programming.

It is for that reason that I respectfully request that you follow the suggestions of many who have appeared before me today, and refrain from legislating at this time.

Attorney General Reno said this morning that this is the key issue. Attempts to define violence will be extremely difficult. For example, one study on this subject, which surveyed programs in February 1993, found variety shows, such as the 25th Anniversary of Rowan and Martin's Laugh-In, to be the most violent genre of programming.

Also, how does the Government distinguish between good violence, contained in historical dramas, such as Gettysburg or The Civil War, and bad violence?

There is also a second issue within all of this, that Mr. Stringer pointed out, and that is the one of a market imbalance. Given potentially vague regulatory definitions, and faced with the potential loss of license, most over-the-air television stations may avoid broadcasting programs with any type of action. If that happens, these programs—including movies like John Wayne movies—will

simply shift to pay cable networks, which appear to be exempt from any legislative proposals.

This should be of real concern to you, given the fact that the cable industries trend to market more pay and pay-per-view services. In the end, adults not subscribing to cable will see popular programs disappear, and the Government will have decided that it is OK to be exposed to violence, as long as you have the money to buy a VCR and/or pay cable services.

In short, legislation may unintentionally create unique, adverse conditions on advertiser-dependent, over-the-air television; and will ultimately do nothing more than shift the source of violent TV, not eliminate it.

Let me say again that INTV is very committed to working with you on this issue, Mr. Chairman. Our new program is now an ongoing process; our efforts will not end with this hearing. We have made significant progress over the last few months, and I believe the television industry as a whole can live up to your expectations.

I thank you again, for giving me the opportunity to appear before you today.

[The prepared statement of Mr. DeVaney follows:]

PREPARED STATEMENT OF AL DEVANEY

Good morning Mr. Chairman and members of the committee. My name is Al DeVaney. I am senior vice-president and general manager of WPWR-TV, Channel 50 in Chicago. I am also chairman of the board of the Association of Independent Television Stations, Inc. (INTV) and speak to you today on behalf of local Independent television stations across the country.[1]

Independent stations are keenly aware of the levels of violence plaguing American society.. None of us is immune from violent crime. For years, social scientists have hotly debated the causes of violence. No doubt this debate will continue long after this hearing. There are no easy answers.

These hearings underscore the plain and simple fact that Congress is looking to the television industry to do its part. I believe the television industry in general, and Independent stations in particular, are taking significant steps towards addressing the problem.

Certainly, more can be done. However, the voluntary actions taken by the industry are working. There is no need to move forward with legislation at this time. Indeed, legislation may be counterproductive because of the legal complexities involved. Also, there are unforeseen economic and social consequences to legislating in this area. INTV's program—and that of the networks and many cable systems—should be given a chance to work. I truly believe that we will live up to your expectations without the need for legislation.

INTV'S TWO-PRONGED PROGRAM TO ADDRESS VIOLENCE

Last January, INTV appointed a subcommittee of its board of directors to examine television violence and adopt a program to address the issue of television violence. In June, the INTV board adopted a two part program to address the issue of television violence.

First, we enacted a set of suggested programming policies specifically directed at programs depicting violence. Our goal was to increase the sensitivity of stations on this issue, in an effort to reduce levels of violence that may appear on Independent television.

Second, INTV recommended that its member stations employ a system of advisory messages for all programs that the station believes contain unavoidable violent content which some parents may not wish their children to see. INTV was the first television station organization to adopt a system of advisory messages directed at violence.

The following outlines the basic principles established for INTV member stations.[2]

[1] INTV is a non-profit trade association representing local television stations that are not affiliated with the "big three" networks, ABC, CBS or NBC.

[2] A copy of our policy is attached to this testimony as Exhibit 1.

- Violence should be depicted only when necessary, and to no greater extent than necessary to the development of the story line, plot, context or theme of, or character in, a television program.
- Depiction of violence in such a way as to glamorize violent behavior or to ignore or trivialize its consequences to either the victim, the perpetrator, or society should be avoided.
- Depiction of violence in such a way as might be instructive or as might suggest imitative behavior should be avoided.
- Presentation of programs depicting violence and the depiction of violence should not be undertaken solely as a means of exploiting or shocking the audience.
- The depiction of violence in a sexual context requires special sensitivity with respect to its potential to exploit, debase, demean, shock or stimulate. Violence never should be depicted so as to appeal to the prurient interest of the audience.
- Graphic or detailed depiction of violence or dwelling on gore, pain, or physical suffering should be avoided.
- The special needs of children should be considered, and special care should be taken, in scheduling and editing of programs and promotional materials which include the depiction or description of violent behavior.
- Depiction of violent acts in a manner which might distress or frighten children should be avoided in programming intended primarily for children.

The above polices are intended to apply to entertainment programming and promotional materials. The policies are not intended to inhibit journalistic or editorial discretion in the coverage and reporting of news or sports events.

INTV's program goes beyond basic guidelines. Stations are encouraged to inform viewers through appropriate on-air advisories that specific programs contain depictions of violence so that viewers can make informed viewing decisions. INTV's program provides examples of the type of advisories that stations may employ.

- The following program depicts violent acts or behavior.
- The following program depicts violent acts or behavior. Viewer discretion is advised.
- The following program depicts violent acts or behavior which may be unsuitable for children. Parental discretion is advised.
- The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to some viewers.
- The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to children. Parental discretion is advised.

We believe a system of basic principles coupled with the voluntary use of advisory messages is an important step in protecting children from programs their parents believe are unsuitable. Our approach reflects a concern for the youth in our audiences, and is a realistic solution given the status of Independent stations in today's media marketplace.

Of course, as a trade association, INTV cannot force stations to comply with this program. As a result, compliance with the principles established in our program must, of necessity, be voluntary. Nevertheless, INTV has found that both its member and even non-member Independent stations unilaterally are taking significant steps to meet Congressional concerns.

INTV'S PROGRAM IS WORKING

Independent Stations are enacting voluntary program standards

Since June, the INTV staff has contacted every Independent station in the country, including those that do not belong to INTV. We have had hundreds of telephone calls and meetings discussing the importance of this issue.

I am happy to report that all of INTV member stations have adopted INTV's guidelines or have specific station guidelines consistent with INTV's standards. in terms of national audience reach, this represents the largest segment of the commercial Independent television industry.

As for non-members, 53 stations have adopted INTV's guidelines or have station standards that are consistent with INTV's guidelines. There are, of course, numerous stations that are not members of INTV that may be categorized as "Independent." However, the vast majority of these stations broadcast either a foreign language, religious or shopping format. Accordingly, many nonmember stations indicated that INTV's guidelines are not relevant to their program format.

Virtually all of INTV's members are providing or intend to provide parental advisories. Only two stations indicated that they have not used parental advisories because they don't air violent programs. The 53 non-member stations adopting

INTV's guidelines indicated that they are providing or intend to employ parental advisories.

Stations are changing programming behavior

Last week INTV surveyed its member stations to determine whether our new program has had an effect on station behavior. Because we have to survey stations directly, I am not able to report the complete results of our study. However, partial returns indicate that Independent stations have a new sensitivity about violent programming.

Initial returns indicate that many stations have rescheduled or scheduled programs for later time periods because of concerns about violent content. This rescheduling includes movies such as "Cartel," "Star 80," "Snake Eater II," "Perfect Weapon," and "Def by Temptation." In addition, series programs such as "Cops" and "The Untouchables" have been scheduled for later time slots. One station responded that it moved more action type movies such as the Charles Bronson movies from weekend afternoons to late night positions.

In addition, stations themselves have been editing movies to remove violent content. Violent scenes have been edits in movies such as "Helter Skelter," "Little Big Man," "Deliverance," "Nightmare on Elm Street," "Alien," "The Enforcer," "Night of the Wilding," "Cylone," and the "Terminator."

An overwhelming number of the initial respondents are now providing advisories for programs that may contain violent content. Movies such as "Bonnie & Clyde," "Hanoi Hilton," "Platoon Leader," "Deliverance," "Shark Terror," "Wheels of Fire," "The Seven-ups," "The Enforcer," "Scarface," "Red Heat," "Alien," "Bruce Lee We Miss You," "Fort Apache the Bronx," "Catch 22," and "Smokey and the Bandit" are being broadcast with advisory warnings.

Series such as the "Highlander," "Renegade," "Street Justice," "The Untouchables," "Kungfu The Legend Continues," "Cobra," and "Time Trax" are receiving advisories. Some stations are even providing advisories for "Star Trek: The Next Generation" and "Star Trek Deep Space Nine."

Generally, stations are becoming more concerned about violent content. For example, one station indicated that it will carefully scrutinize a program distributor's editing of movies such as "Predator II," "War of the Roses," "Sleeping with the Enemy," and "Flight of the Intruder" to determine whether the station should air the program at all. Another stated that it "has made a conscious decision to soften our weekend movie lineup Horror movies have been eliminated from the weekend lineup. Action movies have been severely cut back in favor of more family movies, comedies, and dramas."

It is significant to note that rescheduling, edition and providing advisories are not mutually exclusive. Some stations are rescheduling, editing and providing advisories. For example, one station rescheduled the movie "Alien" and provided an advisory.

Importantly, INTV's program has only been in effect since June. We expect the effectiveness of our program to increase over time as stations acquire new programming. The success of INTV's program is evident from the survey's responses regarding future behavior. In response to the question whether concerns about violent content will influence future program scheduling and editing decisions, all stations responded that such concerns will influence such decisions. For example, 71 percent indicated these concerns will strongly or highly influence such decisions. Two stations stated that violence concerns would moderately influence their scheduling and editing decisions. No station indicated that violence would not be a consideration.

The same holds true with respect to future program purchases. Approximately 61 percent of the responding stations indicated that concerns about television violence would strongly or highly influence future program purchases. Four stations indicated that violence would moderately influence program purchases. No station indicated that violence would not be a consideration.

While initial responses are encouraging, INTV is not ready to call its program a complete success and reduce its efforts in this area. Because each Independent station is responsible for its own programming, we recognize there may be some stations that could do a better job.[3] INTV views its program as an ongoing process. We will continue to educate our member and non-member stations about the importance of this issue.

[3] Unlike the networks, there is no centralized editing process for Independent stations. Each individual Independent station makes its own scheduling and editing decisions.

Children's exposure to violent programs is minimized on existing program lineups

Unlike the networks, I am not able to provide you with a specific program lineup for all Independent stations. Program schedules will vary station by station and market by market. Nevertheless, there are some general observations that can be made for the typical Independent station.

Weekdays—Independent stations often program kids shows from about 6:00-9:00 AM. For the most part this programming consists of animated "cartoon" programming. However, with the advent of the Children's Television Act, programs that are designed to meet the educational and informational needs of children are being added to the morning lineup. For example, at my station we broadcast "News for Kids" during the morning time period and we produce "Kid Talk" a local talk show which addresses subject matter important to children.

From about 9:00 AM-2:00 PM, Independent stations generally air a mix of "off-network" and "first-run" programs. or example, on my station we air off-network programs such as "Gimme a Break," "Little House on the Prairie," Happy Days," "Amen," and the "Hogan Family" during this time period.

From about 2:00 to 4:30 PM, most Independent stations are airing children's animated programs. For example, many stations are airing an animated cartoon block from Walt Disney called "The Disney Afternoon." On my station I program animated features such as "Widget," "Heathcliff," and "Bugs Bunny."

At about 4:30 or 5:00 PM, most Independent stations are shifting back to family oriented "off-network" programs. Typically shows such as "Family Ties," and "Who's the Boss" are aired during this time period. On my station we broadcast "Happy Days," "Sanford and Son," and "Roseanne," during this time period.

On the east and west coast, most Independent stations are broadcasting recent off-network programs between 7-8 PM (6-7 PM central). Generally these programs, situation comedies such as "Cheers," "Murphy Brown," and "Roseanne," are aired in the 7-8 PM time period. My station, WPWR, broadcasts "Star Trek" from 6-7 PM central.

From 8-10 PM eastern (7-9 PM central), Independent stations generally shift into their prime time lineup. For example, several nights each week an Independent station may broadcast a movie from 8-10 PM. Also, the new "first run" shows such as "Star Trek Deep Space Nine," "Kung Fu: The Legend Continues," "Time Trax," and the "Untouchables" often begin at 8 PM, eastern (7 PM central). 2hose Independent stations with the rights to Major League Baseball, NBA basketball or National Hockey League will broadcast games during this period.

At 10 PM eastern (9 PM central), many Independent stations broadcast their local news. Others continue with a variety of "off-network" or "first run" programs. This pattern continues through 12 midnight.

Weekends—On weekends, the average Independent format begins with children's programming from about 7:00 AM to 11:00 AM. Again, this time period largely consists of children's programming. At around 11:00 AM, stations will broadcast "off-network" or "first run programs." Typically an Independent station will broadcast movies from 2-5 PM. Beginning at 5 PM, stations will generally broadcast "off-network" or "first run" programs for the rest of the evening.

Taking a realistic look at our weekday schedules, it is highly unlikely that you will see a program that any reasonable person would classify as violent before 8 PM (EST). Prior to this time, most of the "off network" or first run programs are family oriented situation comedies. Also, most Independent stations will not air promotional material for violent movies during morning or afternoon children's programs. For example, my station WPWR and many others won't accept advertisements for "R" rated theatrical movies during this time period.

This is extremely important given Congressional concerns about "latch-key" children. Concern is heightened for these children because there is no parent at home to supervise viewing. To the extent most latch-key situations involve the weekday time period from the time when school gets out to the evening hours, when an adult is in the home, there is simply little or no violent programming being broadcast by off-air television stations.

Nevertheless, it is possible that some movies or program series broadcast after 8 PM may have some violent content. INTV is aware that there are some young children, ages 2-12, in the audience during prime-time. However, as mentioned above, it is during this time period that stations are beginning to provide advisory messages or scheduling programming to later time periods.

Importantly, even during the prime-time hours 8PM-11PM, the vast majority of children are viewing non-violent situation comedies. A review of children's viewing

patterns in Chicago reveals that the most popular kids shows contain very little violence.

Children's viewing (ages 2-11), Prime Time 7-10 PM Central, Mon.-Fri. February 1993

Program	Rating	Program	Rating
Simpsons	26	Step by Step	21
Martin	24	Hang'n w/Mr. Cooper	19
Full House	23	Wizard of Oz (movie)	19
Dinosaurs	22	Fresh Prince of Bel Air	18
Family Matters	21	Home Improvement	18

Source: Arbitron

On balance, I believe industry efforts to limit or reduce the amount of violence on television will succeed. Stations are taking their responsibilities seriously. INTV's efforts have sent a signal to our program suppliers that violence will be an important consideration when scheduling and purchasing new programming.

LEGISLATION MAY BE COUNTERPRODUCTIVE

By its very nature, direct government involvement in content regulation raises serious First Amendment concerns. There is simply no way to avoid this problem. Even if all the major players participating in the hearing agreed not to file a law suit, all it takes is one television station, one cable operator or one programmer to tie up the new regulations in court for years. Such a result will undermine the industry's efforts to correct this problem. Moreover, many of the legislative proposals will not solve the problem. Instead it will merely shift allegedly violent programming on to pay-cable services.

Government efforts to legislate a removal of violent programs raises serious First Amendment concerns

Legislation, such as S. 383, which attempts to have the government prohibit the distribution of "violent" video product potentially suffers from several infirmities. The most troublesome aspect of these approaches is for the government to attempt to define what is or is not violent.

Social scientists themselves have never been able to agree on a definition of violence. For example, many of the "laboratory" studies purporting to find a relationship between video messages and violence have defined violence differently. Some measure violence in terms of brief video clips which do not provide any context for the violent acts. Some researchers such as Gerbner consider comic acts, such a slapstick, violent. In testimony before the House Telecommunications Subcommittee, Professor Nancy Signorielli released new evidence regarding violent programming during prime-time on the networks in February 1993. Not surprisingly she found violent programs broadcast during this period.

However, one can question whether the programs rated as being violent are in fact the type of programs that most members of the Senate would be concerned about. Professor Signorielli's testimony stated:

> Interestingly, the most violent genre in this week-long sample was the variety shows, including specials on "Television's Greatest Moments," "TV's Funniest Commercials," and the "25th Anniversary of Rowan and Martin's Laugh In."[4]

I raise this issue to illustrate the profound definitional problems when government attempts to craft regulations that outlaws violence. I doubt anybody on the Committee would have considered these variety shows as violent programs.

Definitional problems are compounded by the fact that most legislative measures attempt to draw distinctions between "good" violence and "bad" violence. Few believe that the government should attempt to edit the news for its violent content. Similarly, violence that appears in the context of sporting events, documentaries or historically accurate movies such as "Gettysburg" would appear to be permissible.

I raise these problems not as an excuse for excessive or gratuitous violence on television. Rather, the definitional problems are so difficult that it may be impossible for the government to devise a regulatory regime making such fine distinctions. Government regulations, especially those that link the broadcast of violent programming to a loss of license, will always be overbroad. There will be a profound chilling effect on programs that most Senators would find perfectly acceptable.

[4] Testimony of Professor Nancy Signorielli before the House Subcommittee on Telecommunications and Finance, May 12, 1993 at 3.

Legislation will simply shift "violent" programs to pay-cable services

Any effort to deal with the issue of television violence must focus uniformly across all media distribution systems. This includes, broadcasting, basic cable networks, pay-per-view, pay-subscription channels, and other services such as MMDS-, DBS, video dial tone program packagers, and home videos. There is no question that if standards are imposed on one segment of the industry, viewers who wish to view such programming will simply shift to program services that are not subject to the same restrictions.

Unfortunately, some legislative proposals specifically exempt pay-cable channels and pay-per-view services. In other words, a viewer can watch the theatrically released and unedited version of "Rambo" when it is first released for home viewing by renting a assette or watching a pay-per-view channel. Later, consumers can watch the same unedited "Rambo" movie on pay-cable channels such as HBO or Showtime. However, when the movie is finally made available to broadcast television stations, in a version that has been specifically edited for television, stations may be prohibited from broadcasting it.[5] In other words, television broadcasters will be prohibited from broadcasting a movie or program that has already appeared on television two or three times.

Why? Is the broadcast television audience, which encompasses the entire cable audience, somehow more susceptible to acting in an anti-social manner? Do people purchasing pay-cable services have superior parenting skills?

Exemptions for pay-cable services have been justified on the grounds that parents have greater control over the content because they invite these programs into the home by purchasing the service. However, when cable subscribers purchase services such as Showtime and HBO they are acquiring a package of movies. Some are family oriented, others are not. Once purchased, the same potential for children to watch a violent program without parental supervision exists for these services as it does for traditional broadcast stations.

The exemption for pay-cable services makes even less sense given recent the trends in the marketing of traditional basic cable services. In response to the FCC's new rate regulation provisions, many cable operators are contemplating moving to a la carte marketing for these cable channels. A leading communications industry analysis firm noted:

> Nevertheless, given recent historical trends, and the new regulations, we suspect that the movement toward a la carte will continue. Under the new legislation, fees for basic cable programming tiers will come under FCC regulation, but services that are offered on a per-channel basis will not be regulated. Rate increases for cable programming tiers will be limited; cable operators will therefore be encouraged to offer basic cable services on an a la carte basis in order to avoid regulation.[6]

In other words, cable subscribers will be able to purchase each channel on an individual basis. If such an exemption is allowed, most basic cable networks will fall outside the scope of the legislation.[7]

Finally, assuming arguendo, that violent programming will lead children and young adults to commit violent acts in their later years, does it really matter whether the person committing the violent act watched a pay-cable service. The act of voluntarily purchasing a pay-cable service is irrelevant to the societal concerns that the legislation seeks to address. If watching television violence is bad, then all distribution systems should be held to the same standard.

Legislation will have unique, adverse economic consequences for free, over-the-air television

Creating exemptions for pay-cable services not only undermines the intent of the legislation, but it also will have significant adverse economic consequences to free

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[5] Most if not all of the films appearing on Independent television have appeared previously on television. After the theatrical release a movies will be released to the home video market. Shortly thereafter the movie is released to the pay-per-view market. It will then appear on subscription cable services such as HBO, Showtime or Cinemax. The movies will then be made available to broadcast stations.

The movies appearing on video rentals, pay-per-view and cable subscription services are, the same version as the theatrical release. Thus if a movies was rated "R" for theater exhibition, it will retain that designation. This is not true for movies appearing on broadcast television. Before releasing a movie for broadcast television, the program distributor, network or local station edits the movie.

[6] Veronis, Suhler & Associates, Communications Industry Forecast, 1993 at 114.

[7] As we move to the 500 channel universe, presumably most channels will be purchased by cable subscribers on a per channel basis. Accordingly, most wire delivered programming may fall outside the scope of the legislation.

over-the-air television. The legislation will have its intended effect. Stations, fearing a loss of license will avoid any programs that contain any form of violence. The risk is simply too great. The problem is compounded by the fact that the FCC will not pre-screen all television programs in advance.[8] This means that several episodes of a program series or several movies may be broadcast before a station is aware that its programming may be considered to be in violation of the law. Under the language of the legislation, this may constitute a repeated violation of the law, resulting in the repeal of the station's license. The potential for this Catch 22 situation means that stations will take extreme measures to insure that none of its programming contains any form of violence.[9]

There is no question that legislation will have a significantly more damaging impact on free local over-the-air broadcasting than our wire-based competitors.[10] This is especially true given the fact that wire-based services can exempt themselves from the rules by offering programming services to subscribers on a per-channel basis.

Moreover, the competitive inequity exists even if all cable programming services-including pay services, were subject to the same standards. The economics of off-air television are based on one single revenue stream—advertising. With legislation, advertisers will avoid any programs that have the potential of running afoul of government regulations. Thus, the revenue to support any type of action adventure programming will evaporate. These programs will leave off-air television.

Cable program services do not depend solely on advertising revenue for economic support. The fees paid by cable operators to the program channels will continue to be a strong source of revenue. Thus, even if advertising on some cable programs diminishes, fees from subscribers will maintain the economic health of these services. Indeed, program prices for cable may be reduced. Because broadcasters will no longer bid for action adventure type shows, programmers will have only one avenue to distribute such programming—cable. Fewer bidders generally means reduced prices.

Finally, even if the standards were applied equally to broadcast stations and cable program services, cable will have greater flexibility in its program selection. If a broadcaster airs a program or series of programs that are ultimately found to violate the law, the FCC is required to immediately revoke the license. This is a death sentence which stations will go out of their way to avoid.

Alternatively, what happens if a "basic" cable programming service telecasts a program that violates the legislation? The FCC has no authority to take away a cable operator's franchise. Such decisions are left to local authorities. Moreover, the FCC has no direct authority to require a cable programmer to cease operations. While the FCC may be able to impose fines on cable operators, such a penalty is vastly different from the "death sentence" envisioned for off-air television stations.

Because of the disparate enforcement treatments basic cable programming services may be in a position to take more risks with respect to the programs they telecast. This gives such services a decided competitive advantage.

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[8] The current restrictions on indecent programs serves as an example. The FCC does not pre-screen programs to see whether or not the shows are indecent. The Commission only responds to complaints about programming that has already been broadcast.

INTV is not arguing for a system where the FCC pre-screens programs. Since its inception the Commission has steadfastly avoided becoming a national censorship board. It has correctly decided that cannot engage in such activity consistent with basic First Amendment principles. As a result, its only enforcement mechanism is to address complaints about programs after they have been broadcast.

[9] Further compounding the problem is the fact that the definition of violence is necessarily vague. For example if the FCC ultimately adopts Prof. Signorielli's definition of violence, then virtually all programming will have to be removed from of fair television.

[10] This is not simply a case of greedy broadcasters attempting to maximize additional profits. As a class, Independent television stations are already in economic jeopardy. NAB's 1993 Television Financial Report noted that approximately 25 percent have negative pre-tax profits. The problem is particularly acute in small markets. The median pre-tax profit margin for the Independent television industry is approximately $54,000. The median pre-tax profit margin for network affiliates is $671,000. Moreover, the FCC has reported that some Independent stations will go dark by the end of the decade.

Further erosion of our competitive situation will directly impact our ability to acquire good quality programs. For example, the highly acclaimed science program "Beakman's World" which first appeared on many Independent stations cost approximately $200,000 an episode. Recently, this program was bid away from Independent stations and acquired by CBS.

It is simply unrealistic to expect Independent stations to acquire top quality children's programs in an environment where our major competitors are not subject to the same set of regulatory oversight.

CONCLUSION

INTV is committed to working with the Congress to address the issue of television violence. We have made real progress in the few months since our two part program was enacted. We have sent a strong message to our program suppliers that concerns about violence will be an important consideration in our future program plans. During the interim we are providing advisories, editing, and rescheduling programs that may contain violent content.

INTV does not believe legislation is necessary at this time. The legal complexities and competitive imbalance involved may impair our efforts to improve television. We have charted an irreversible course towards rectifying the problem. I hope you will give us a chance to prove that we can live up to your expectations.

EXHIBIT 1—GENERAL POLICY OUTLINE

1. These policies apply to programs and to promotional material, are directed solely at entertainment programming, and in no way are designed to inhibit journalistic or editorial discretion in the coverage and reporting of news or sports events.
2. Violence should be depicted only when necessary, and to no greater extent than necessary, to the development of the story line, plot, context, or theme of, or character in, a television program.
3. Depiction of violence in such way as to glamorize violent behavior or to ignore or trivialize its consequences to either the victim, the perpetrator, or society should be avoided.
4. Depiction of violence in such way as might be instructive or as might suggest imitative behavior should be avoided.
5. Presentation of programs depicting violence and the depiction of violence should not be undertaken solely as a means of exploiting or shocking the audience.
6. The depiction of violence in a sexual context requires special sensitivity with respect to its potential to exploit, debase, demean, shock, or stimulate. Violence never should be depicted so as to appeal to the prurient interests of the audience.
7. Graphic or detailed depictions of violence or dwelling on gore, pain, or physical suffering should be avoided.
8. The special needs of children should be considered, and special care should be taken, in the scheduling and editing of programs and promotional materials which include the depiction or description of violent behavior.
9. Depiction of violent acts in a manner which might distress or frighten children should be avoided in programming intended primarily for children.
10. In appropriate circumstances, the station may determine to inform viewers through appropriate on-air advisories that specific programs contain depictions of violent behavior so that individual viewers may make informed viewing decisions and avoid unexpected depictions of violence which are unsuited to their particular tastes. Such advisories might state:

"The following program depicts violent acts or behavior."

"The following program depicts violent acts or behavior. Viewer discretion is advised."

"The following program depicts violent acts or behavior which may be unsuitable for children. Parental discretion is advised."

"The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to some viewers."

"The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to children. Parental discretion is advised."

The CHAIRMAN. Thank you very much. Mr. Cox.

STATEMENT OF WINSTON H. COX, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, SHOWTIME NETWORKS INC.; and CHAIRMAN, NATIONAL CABLE TELEVISION ASSOCIATION'S SATELLITE NETWORK PROGRAMMERS COMMITTEE

Mr. COX. Thank you, Mr. Chairman. My name is Tony Cox. I am chairman and chief executive officer of Showtime Networks Inc. Showtime Networks is a subsidiary of Viacom International, and we own and operate three subscription premium television networks: Showtime, The Movie Channel, and FLIX.

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I also serve as chairman of the National Cable Television Association's Satellite Network Programmers Committee, which coordinates the interests of nearly all the satellite programming networks who license their programming services for carriage by cable operators. There are nearly 40 network members of this committee.

I welcome this opportunity to discuss our mutual concerns with you today. The primary role I serve today is to speak with you from my position as chairman of the NCTA Satellite Network Programmers Committee, and it is in this capacity that I begin my remarks.

In response to Senator Simon's Television Program Improvement Act of 1990, cable networks, under the auspices of the NCTA, commissioned Dr. George Gerbner of the Annenberg School of Communications, a recognized expert in the field, to conduct a study on the amount of violence in programming originally produced for cable television. We needed baseline information, in order to respond properly to this issue.

The Gerbner study showed that cable-originated children's programming was less violent than children's programming on the broadcast networks. However, the study also showed that the level of violence on cable-originated programming, as a whole, was about the same as the level of violence on the broadcast networks.

The Satellite Network Programmers Committee, therefore, developed a four-point plan that focused on the issue of televised violence. As an initial step, we unanimously adopted a policy statement regarding violence that will govern our future efforts. I will not read it here, but it is included in our written testimony.

The second step of our plan was to encourage each of our cable network members to develop, by the end of this year, its own written standards and practices guidelines, for those networks that did not already have them. This is a helpful step. Remember, many of the cable networks are very new; in fact, at least one-half dozen new networks have been announced this year. And for some, such as religious or shopping networks, violence is not a programmatic issue.

The third step of our plan was active participation by the cable networks in the Industry-Wide Leadership Conference on Violence in Television Programming that was held in Los Angeles this past August. Just prior to this conference, all of the major cable networks that produce original dramatic programming agreed to implement the advance parental advisory program that was developed by the broadcast networks last summer.

Finally, the Satellite Network Programmers Committee has committed itself to commissioning a followup study, to assess whether the level of violence on cable-originated programming has diminished.

In the meantime, representatives of the Satellite Network Programmers Committee, along with representatives of the MPAA, are meeting on an ongoing basis with the motion picture and television creative guilds to develop an action plan to review and reduce the amount of gratuitous violence depicted in new motion pictures and television programs.

I think all of these actions demonstrate the seriousness with which the cable networks are treating the issue of television violence.

I would now like to speak with you on behalf of Showtime Networks, including sharing with you our general views on the Senate bills that are the immediate subject of today's hearing.

Let me first discuss Showtime's philosophy about its programming and some of the policies it has in place—policies adopted by Showtime because we thought it served the needs of our subscribers not because of any Government-imposed requirements.

Consistent with our viewers' preferences and the important rights and principles embodied in the first amendment, Showtime's programming reflects a wide range of ideas and expressions. Showtime believes that the depiction of violence in any medium—be it print, on the stage, on movie screens or television screens, including cable television—is a legitimate representation of what is, unfortunately, a part of our lives, so long as it is not gratuitous, or treated as an easy solution to human problems.

Therefore, motion pictures and television programs containing violence are, and should be, available as part of our programming offerings to our subscribers, especially to informed subscribers. And I emphasize "informed."

To this end, Showtime Networks, and other premium services such as HBO, long ago created guidelines concerning the promotion and scheduling of programs that contain violence or mature themes. We also, long ago, adopted the practice of providing viewers with appropriate on-air advisory information.

Under Showtime's guidelines, we do not exhibit any program that we believe to be outside socially accepted standards of entertainment, or any program that is gratuitous or excessive, in either violent or sexual content. It is our policy not to exhibit any picture rated X, or NC-17, by the MPAA, or any unrated picture that we believe would qualify for either of those ratings.

To provide our subscribers with information about a program so that they may wisely exercise their election to view or not view a particular program, we precede each exhibition of a motion picture with an on-screen visual stating the picture's MPAA rating. For original programs not rated by the MPAA, we have developed our own form of advisory, and we precede each exhibition of these programs, also, with an advisory when we feel that parental discretion is warranted.

Showtime is now in the process of expanding its on-air advisories. By the end of the year, we plan to implement an even more comprehensive program, providing even more information as to why viewer discretion is recommended: For example, because of violence or strong language or sexual content or mature themes, such as child abuse. This will go far beyond the advance parental advisory program which we adopted this summer, in giving our viewers content information.

Showtime's efforts to minimize children's exposure to violence on television do not stop at advisories. Every month various executives, including myself, meet to decide the time of day most appropriate for each program's exhibition. We know that children are more likely to watch television during the day and early evening,

so we are sensitive to programs exhibited before 8 p.m. We do not exhibit any R-rated motion pictures before this hour, in the Eastern and Pacific Time Zones, on Showtime.

In fact, our evaluation of a program may lead us to decide it should not be scheduled until after 9 p.m., or after 10 p.m., or even later.

Similarly, we are sensitive in scheduling program promotional information. For example, when promoting some programs with violent or otherwise mature subject matter, we will create two versions of a promo: One for daytime use, another more suitable for exhibition at night.

We will also be including viewer advisories on promotional spots that promote programs for which we will be running "violence" advisories, even if the promotional spots themselves do not depict any violence. Some programs are simply deemed unsuitable to be promoted during the day, regardless of the content of the promo.

Finally, we do not promote R-rated pictures, or comparable original programs, near any program designed for children's viewing.

We feel that Showtime Networks has already gone a long way to ensure that children are not unwittingly exposed to violent or otherwise objectionable programming, both by creating a comprehensive system of ratings and advisories—one that goes beyond the approach recommended by S. 943—and by implementing a responsible and responsive scheduling policy—not dissimilar from that proposed in S. 1383, even though S. 1383 would appropriately exempt premium channels from its requirements.

When thinking about these issues, one should also be mindful of the many protections built into the process by which a person chooses to subscribe to, and view, a cable television network. These are the protections which prompted the exemption proposed in S. 1383, for premium and pay-per-view networks.

With broadcast television, viewers have access to programming they did not expressly invite into their homes. They need only push the on-air button of their TV sets and turn the channel selector to receive all the over-the-air broadcast channels.

With basic cable, however, viewers must first make a conscious choice to receive a package of basic cable programming, and they must pay to receive it. And since many cable networks are "niche" networks that exhibit and promote themselves as exhibiting, one particular "genre" of programming, cable subscribers are not apt to be surprised by the programming they may find on, say, a Nickelodeon, ESPN, Discovery, or CNN.

However, since most basic cable networks are currently purchased on a "bundled" basis, together with other basic cable networks, consumers indeed may find that they have access to certain networks they would not have chosen.

A cable subscriber who does not want to view a particular program service, however, can obtain a parental control device, which can be activated by the subscriber to "lock out" selected cable channels. We also know that cable systems soon will have expanded capabilities for subscriber selection and control.

One example of that technology is StarSight, in which Viacom has a significant investment. StarSight is a sophisticated electronic menu, capable of performing a host of functions including—impor-

tant to these discussions—program blocking functions. Some satellite-delivered services are already transmitting electronically coded programs to backyard TVRO dish owners, enabling viewers to block all programs containing a particular ratings code.

The world of premium television, which includes Showtime's networks, has even greater safeguards built into it. Consumers must make an affirmative election to subscribe to a specific premium network and they must pay a specific fee each month for that service. No one is surprised to find Showtime or HBO in their homes. And if our subscribers consider our programming to be inappropriate, unsuitable or unappealing, they easily exercise the ultimate act of control and personal responsibility—they cancel their subscription without sacrificing any of their other viewing options.

As you can tell, I am enthusiastic about the benefits available through the current and emerging technology in the television industry and about the steps we at Showtime and we in the cable and broadcast television industry generally, have taken, and are continuing to take, in this area.

The television and motion picture communities are working diligently to achieve the same ends that the three pieces of legislation seek to achieve: The reduction of children's unwitting exposure to violent television and motion picture programming. And our efforts are paying off. All of television is addressing this issue with a seriousness and commitment that is unprecedented and that will continue.

The industry has found appropriate ways to deal with significant social issues. Depiction of drug usage in dramatic programming has disappeared; you hardly see tobacco or alcohol consumed; seatbelts get fastened.

For this reason, I do not believe that any of the proposed legislation is necessary at the present time. And, if we continue to progress, as I know we will, legislation will never be necessary.

In all events, legislation in this area, including each of these bills, is troubling from a first amendment standpoint. But, as I said, we have heard your concerns. We share those concerns. Let us continue our efforts to accomplish on our own that which the Senate bills seeks to accomplish through Government mandate.

I have every confidence that our commitment—not only at Showtime, but the commitment of all other networks—combined with marketplace forces, will ensure that result. Thank you.

[The prepared statement of Mr. Cox follows:]

PREPARED STATEMENT OF WINSTON H. COX

Good morning, Mr. Chairman and members of the Committee. My name is Winston Cox. I am Chairman and Chief Executive Officer of Showtime Networks Inc. Showtime Networks, which is a subsidiary of Viacom International Inc., owns and operates three subscription premium television networks—Showtime, The Movie Channel and FLIX, as well as a "multiplexed", or second, channel of Showtime. Showtime also operates Viacom's one-half interestin All News Channel, a 24-hour news service. I have held my position with Showtime for over six years.

I also serve as Chairman of the National Cable Television Association's (NCTA) Satellite Network Programmers Committee, which coordinates the interests of nearly all the satellite programming networks who license their programming services for carriage by cable operators. There are nearly forty network members of this Committee (a list of these member networks is attached to my written testimony). In addition to being Chairman of this Committee of the NCTA, I am a member of the Board of Directors and the Executive Committee of the NCTA. I also serve on

the Board of Directors of All News Channel, as well as the Board of Directors of Lifetime, a basic network in which Viacom has a one-third interest.

Before joining Showtime, I spent eight years at Home Box Office in a variety of positions, the last of which was President of the Network Group. Prior to that I worked at Time Incorporated in magazine publishing with Life, Money and People magazines.

As you may know, this summer I testified on the topic of violence on television before Congressman Markey's House Committee on Energy and Commerce, Subcommittee on Telecommunications and Finance, as I did last winter before Congressman Schumer's House Judiciary Subcommittee on Crime and Criminal Justice. Frank Biondi, President and Chief Executive Officer of Viacom International Inc. has also testified on this issue before the Senate Judiciary Subcommittee on the Constitution. As you can see, Showtime and Viacom are pleased to participate in dialogues on this important topic and have been vocal and visible industry spokespersons. I welcome this additional opportunity to discuss our mutual concerns about the viewing by children of violent programs on television and to share with you generally our views about the three Senate bills that are the subject of today's hearing.

NCTA Activities. The primary role I serve today is to speak with you from my position as Chairman of the NCTA Satellite Network Programmers Committee, and it is in this capacity that I begin my remarks.

In response to the Television Program Improvement Act of 1990, which enabled television producers, programmers and distributors to collectively examine the issue of violence on television, cable networks, under the auspices of the NCTA, commissioned Dr. George Gerbner of the Annenberg School for Communication, a recognized expert in the field, to conduct a study on the amount of violence in programming originally produced for cable television. We needed baseline information in order to respond properly to this issue. The Gerbner study, completed last winter, showed that cable originated children's programming was less violent than children's programming on the broadcast networks; however, the study also showed that the level of violence on cable-originated programming, as a whole, was about the same as the level of violence on the broadcast networks.

The Satellite Network Programmers Committee therefore developed a four-point plan that focused on the issue of televised violence.

(1) As an initial step, we unanimously adopted a policy statement regarding violence that will govern our future efforts. That statement is as follows:

> "We believe that the depiction of violence is a legitimate dramatic and journalistic representation of an unavoidable part of human existence. We also believe that the gratuitous use of violence depicted as an easy and convenient solution to human problems is harmful to our industry and society. We therefore discourage and will strive to reduce the frequency of such exploitative uses of violence while preserving our right to show programs that convey the real meaning and consequences of violent behavior. To all these ends, we will seek to improve communications with our viewers regarding the nature of violence appearing in our programs."

(2) The second step of our plan was to encourage each of our cable network members to develop, by the end of this year, its own written program standards and guidelines, for those networks that did not already have them. This is a helpful step. Remember, many of the cable networks are very new—in fact, at least a half dozen new networks have been announced this year—and for some, such as religious or shopping networks, violence is not a programmatic issue.

(3) The third step of our plan was active participation by the cable networks in the Industry-Wide Leadership Conference on Violence in Television Programming that was held in Los Angeles this past August. A number of cable programmers worked diligently to develop a meaningful agenda and assure a large turnout by leaders of the entertainment industry. Cable industry leaders, including myself, were also panelists and speakers at the Los Angeles meeting.

Additionally, just prior to this Conference, all of the major cable networks that produce original dramatic programming agreed to implement the Advance Parental Advisory Program that was proposed by the broadcast networks last summer. (A copy of the letter we sent to Senator Paul Simon last July announcing this decision by these cable networks is attached to my written testimony.)

(4) Finally, the Satellite Network Programmers Committee has committed to commissioning a follow-up study (which we intend to conduct in two years, after allowing enough time for the development of new cable programming) to assess whether the level of violence on cable-originated programming has diminished.

In the meantime, representatives of the Satellite Network Programmers Committee, along with representatives of the Motion Picture Association of America (MPAA), are meeting, on an ongoing basis, with the motion picture and television

creative guilds to develop an action plan to review and reduce the amount of gratuitous violence depicted in new motion pictures and television programs.

think all of these actions demonstrate the seriousness with which the cable networks are treating the issue of television violence.

Showtime Networks. I'd now like to speak with you on behalf of Showtime Networks, including sharing with you our general views on the Senate bills that are the immediate subject of today's hearing.

Senate bill 973 (the "Television Violence Report Card Act of 1993") proposes that the FCC evaluate and rate a sampling of primetime and Saturday morning television programs and rate the sponsors of those programs1 in terms of the extent of violence contained in the programs and the extent to which sponsors support programs containing a high degree of violence. The results of these ratings, a "television violence report card," would then be published quarterly in the Federal Register.

S. 943 (the "Children's Television Violence Protection Act of 1993") would require the FCC to promulgate rules requiring each video program (other than those shown between 11 pm and 6 am) depicting "violence" (as defined in the bill) or unsafe gun practices to be preceded by a visual warning label and audio voice-over advising that (1) the program may contain violence or unsafe gun practices, (2) it may adversely affect the health of a child, and (3) were the events depicted in the program to occur in real life, they could warrant the imposition of criminal penalties.

Finally, the "Children's Protection From Violent Programming Act of 1993", S. 1383, states that warning labels about the violent content of video programs are not sufficient. This bill would, in fact, prohibit the public distribution of "violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience". The bill expressly exempts from its scope premium and pay-per-view cable television programming.

Before I turn to Showtime's views on these bills, let me first discuss with you Showtime's philosophy about its programming and some of the policies it has in place—policies adopted by Showtime voluntarily, not because of any government-imposed requirements. Consistent with our viewers' preferences and the important rights and principles embodied in the First Amendment, Showtime's programming reflects a wide range of ideas and expressions. Showtime believes that the depiction of violence in any medium—be it print, on the stage, on movie screens or television screens, including cable television—is a legitimate representation of what is, unfortunately, a part of our lives, so long as it is not gratuitous or treated as an easy solution to human problems. Therefore, motion pictures and television programs containing violence are and should be available as part of our program offerings to our subscribers, especially to informed subscribers. And, I emphasize informed.

What an individual chooses to read, or chooses to listen to or view or think or say, is, ultimately, not for us, or the government, to decide. I don't believe our goal should be to control or censor the content of television or any other form of expression. But, given the ubiquitous nature of certain forms of television, those of us in the television business do have a responsibility to provide enough information to our viewers so they can decide for themselves whether to watch a particular program.

To this end, Showtime Networks, and other premium services such as HBO, long ago created guidelines for our programming services concerning the promotion and scheduling of motion pictures and other programs that contain violence or mature themes. We also1 long ago, adopted the practice of providing viewers with appropriate on-air advisories and guide listing information. Under Showtime's guidelines, we do not exhibit any program that we believe to be outside socially accepted standards of entertainment, or any program that is gratuitous or excessive in either violent or sexual content. It is also our policy not to exhibit any picture rated "X" or "NC-17" by the MPAA, or any unrated picture that we believe would qualify for either of those ratings.

To provide our subscribers with information about a program, so that they may wisely exercise their election to view or not view a particular program, we precede each exhibition of a motion picture with an on-screen visual stating the picture's MPAA rating. Approximately two-thirds of the programming on Showtime, and virtually all of the programming on The Movie Channel and FLIX, consists of theatrical motion pictures -thus the vast majority of programming on all of our networks is preceded by a graphic indicating the picture's MPAA rating. For original programs, which generally are not rated by the MPAA, we developed our own form of advisory and we precede each exhibition of these programs with an on-screen viewer-advisory when we feel that parental discretion is warranted.

Showtime is now in the process of expanding its on-air advisories. By the end of this year we plan to implement an even more comprehensive program, providing even more information as to why viewer discretion is recommended (for example,

because of violence or strong language). This will go far beyond the Advance Parental Advisory Program, which we adopted this summer, in giving our viewers content information.

In addition, in the program guides that we produce and in the program schedules we furnish to other television listing publications and services, we include MPAA ratings for motion pictures (along with a brief explanation as to why parental discretion may be desirable for a particular picture) and our own advisory for original programs, where warranted. We also inform the cable customer sales representatives who sell our program services at local cable systems about our program selection and scheduling policies1 and these sales reps communicate our policies to potential subscribers.

Showtime's efforts to minimize children's exposure to violence on television do not stop at televised and printed ratings and advisories. Every month various programming, acquisition, scheduling and other executives, including myself, meet to decide the time of day most appropriate for each program's exhibition. We know that children are more likely to watch television during the day and early evening, so we are sensitive to programs exhibited before 8:00pm. Because the viewing public generally understands "R"-rated motion pictures to be adult in content, we do not exhibit any "R" rated motion pictures before this hour (in the Eastern and Pacific time zones) on Showtime. In fact, our evaluation of a program may lead us to decide that it should not be scheduled until after 9pm, 10pm, or even later.

Similarly, we are sensitive in scheduling promotional information about our movies and original programs. For example, when promoting some programs with violent or otherwise mature subject matter, we will create two versions of a promo—one for daytime use, another more suitable for exhibition at night. We will also be including viewer advisories on promotional spots that promote programs for which we will be running "violence" advisories, even if the promotional spots themselves do not depict any violence. Some programs are simply deemed unsuitable to be promoted during the day, regardless of the content of the promo itself. Finally, we do not promote "R"-rated motion pictures (or comparable original programs) adjacent to or near any program designed for children's viewing—not even with a promo otherwise suitable for daytime viewing.

We feel that Showtime Networks has already gone a long way in helping to ensure that children are not unwittingly exposed to violent or otherwise objectionable programming—both by voluntarily creating and implementing a comprehensive system of ratings and advisories, one that goes beyond the approach recommended by S. 943, and by voluntarily implementing a responsible and responsive scheduling policy, not dissimilar from that proposed in S. 1383, even though S. 1383 would appropriately exempt premium channels from its requirements.

When thinking about these issues, one should also be mindful of the many protections built into the process by which a person chooses to subscribe to and view a cable television network (or pay-per-view program). These are the protections which, we assume, prompted the exemption proposed in S. 1383 for premium and pay-per-view cable networks.

With broadcast television, viewers have access to programming they did not expressly invite into their homes. They need only push the "on"-button of their television sets and turn the channel selector to receive all of the over-the-air broadcast channels. The intrusiveness of the over-the-air broadcaster is substantially less applicable to the cable networks, whether basic or premium. With basic cable, viewers must first make a conscious choice to receive a package of basic cable programming, and they must pay to receive it. And, since many cable networks are "niche" networks that exhibit one particular genre of programming to a specifically targeted audience (for example, sports, government affairs, science, news, the arts or children's programs), and actively promote themselves as offering that particular type of programming, cable subscribers are not apt to be surprised by the programming they may find on, say, a Nickelodeon, ESPN, Discovery or CNN.

However, since most basic cable networks are currently purchased on a "bundled" basis together with other basic cable networks, consumers indeed may find that they have access to certain networks they would not have chosen along with the desired networks. A cable subscriber who does not want to view a particular program service, however, can obtain from his or her cable operator a "parental control device", which can be activated by the subscriber to "lock out" selected cable channels. We also know that cable systems soon will have expanded capabilities for subscriber selection and control. One example of that technology that will become available within the next six months is StarSight, in which Viacom has a significant investment. StarSight is a sophisticated electronic "menu", an "electronic navigator" capable of performing a host of functions, including listing information, program selection and, important to these discussions, program blocking functions. Some satellite-

delivered services are already transmitting electronically-coded programs to backyard TVRO dish owners identifying all MPAA-rated programs by their MPAA ratings; viewers may then program their descrambling equipment to block all programs containing a particular ratings code.

The world of premium television, which includes Showtime's networks, has even greater "safeguards" built into it. In order to view a premium service, consumers must make an affirmative election to subscribe to that specific network and they must pay a specific fee each month for that service. No one is surprised to find Showtime or HBO in their homes, as they might be with a broadcast network or even some basic cable networks. And, if our subscribers consider our programming to be inappropriate, unsuitable or unappealing, they easily exercise the ultimate act of control and personal responsibility—they cancel their subscription without sacrificing any of their other viewing options.

As you can tell, I am enthusiastic about the benefits available through the current and emerging technology in the television industry and about all of the steps we at Showtime, and we in the cable and broadcast television industry generally, have taken, and are continuing to take, in this area. The television and motion picture communities are working diligently, on an individual network basis and together with other networks, to achieve the same ends that S. 943, S. 973 and S. 1383 seek to achieve—the reduction of children's unwitting exposure to violent television and motion picture programming. And, our efforts are paying off. All of television is addressing this issue with a seriousness and commitment that is unprecedented and that will continue.

For this reason, I don't believe that any of the proposed legislation is necessary at the present time. And, if we continue to progress, as I know we will, legislation will never be necessary. In all events, legislation in this area, including each of these bills, is troubling from a First Amendment standpoint. But, as I said, I am convinced that these bills are unnecessary. We have heard your concerns. We share those concerns. Let us continue our efforts to accomplish on our own that which these Senate bills seek to accomplish through government mandate. I have every confidence that our commitment (not only Showtime's, but the commitment of other networks), combined with marketplace forces, will ensure that result.

We, like everyone, are concerned about the level of violence in our society, and the contribution that the viewing of violence on television may make to that level of violence. We are, and will continue to make every effort to be, responsible premium television programmers. In thinking about all of these issues, however, we should not lose sight of the First Amendment to our Constitution and the values behind it—namely, that our society benefits from encouraging artists and speakers to express and communicate the widest possible range of ideas, and that each listener has the right to receive as much, or as little, information (including entertainment) as he or she desires. We therefore believe that our responsibility is to make every effort to ensure that a Showtime or Movie Channel subscriber is properly informed and properly advised about the content of our programs. Then it becomes their choice, their responsibility, to decide whether they want to view a program or not.

Thank you for the opportunity to share these views.

[The letter referred to and a list of Satellite Network Committee members may be found in the committee's files.]

The CHAIRMAN. I want to thank each of you. I know each of you to be of the highest character and integrity. And yet, in essence, what we really have, having practiced a little bit of law, a confession and avoidance appearance. What you really say is, wait a minute—as Mr. Valenti has said, all of us are fed up. And right on down the list, there is absolutely too much violence, good violence, bad violence.

Some would disagree and say it is not us in the networks, it is cable. Others would say, no, it is different movies or something that is coming on. And then, the committee is admonished about all the avoidances that we have had and to listen to those and, trust us.

In other words, we have got the standards and practices division, eliminating excessive and gratuitous violence. We have formed a

monitoring group, and on down the list. We are working diligently. It is paying off. And we ought to join the crusade of Faulkner, where we return to the basic verities of truth and justice and decency.

And what happens, Mr. Valenti, you say that the parents will instruct. You see, that is the fallacious assumption in all of this, that we have parents. We have found out in other committee hearings that the single parent family is comprised of at least 61 percent women parents and working women mothers. So there is no parent around there. And you folks are coming in through the back door, through the window, and around and behind and before and after.

And when you talk of all of this organization that you are working at, and you certainly do not want to, say, deny thoughtful citizens serious subjects. I go back to 18 years ago, and I do not know whether you were here earlier, but I will read it, because we did this before, and Mr. Wiley wrote that the Commission concluded, and I quote: "The new guidelines represent a major accomplishment for industry self-regulation. The Commission expresses its optimism that this will be applied in a reasonable manner and will be acceptable to the American people."

You see, we have done it all before. There is an old saying down home, there is no education in the second kick of a mule. This is about the 16th one I have gotten, and I am still not learning.

Specifically, now, Mr. Stringer, that is your CBS prime time. Now, I know Murder She Wrote, that is not gratuitous violence. I mean the murder itself, you have shown a dead body, and that is acceptable, but otherwise, there is no gratuitous violence in that CBS prime time, is there?

Mr. STRINGER. If you define gratuitous by violence that is designed to entertain people, I would say there is precious little in that. The only violent show that we have put these on outside of movies is Walker, Texas Ranger, and it is true that Walker, Texas Ranger practices karate.

The CHAIRMAN. Right. But no glamorization of violence?

Mr. STRINGER. I think karate is glamorized in that. But, again, this is as old as Robin Hood. I mean, in Walker, Texas Ranger, the villains are unlike real life. The villains meet their match. The villains are, at the end of the episode, caught, imprisoned.

Part of the difficulty in listening to the testimony this morning—I cannot disagree with the way we sound—is that there is all kinds of violence. There has been violence in literature and movies and television forever. But I do suggest that that schedule, under pressure from Senator Simon and yourself, has less violence than any CBS network schedule in the last 25 years. And I believe that.

And there are two Emmy award winning dramas. I mean, Monday night nobody dies. Somebody said earlier that 25 people are killed an hour. Well, nobody dies on Monday night. Nobody dies on Thursday night. Nobody dies on Friday night.

So, it is not as if we have ignored you.

I mean, I was not here 25 years ago. But on the A-Team and the westerns an amount of violent television was there. It is self-evident that this schedule, albeit under pressure, and I am not denying that the media world in general has depersonalized violence and we can do better and we have become more thoughtful under

pressure, as well as our own instincts, but that schedule is better than it used to be.

Is it perfect?

No. But it has got a lot of comedies on it. And some of them are not as funny as you would like. But they are not violent.

The CHAIRMAN. Well, let me ask this, then. What about a program not of villains or murder mystery, but just regular middle-class folks slugging each other defenseless, slugging each other numerous times, just in the head, just getting knocked away, hitting each other over the head with a bottle and glasses, throwing an individual through the window, sliding one down the bar, ramming one's head through a nickelodeon and all of that, and somebody standing by and saying, maybe you have been watching too much television violence?

Let me show that. I was really interested Monday night. You mentioned Monday night. I went home and the staff had given me a lot of articles to read on television violence. I was not even watching the television until the racket disturbed me.

Put that on television, Mr. Stringer's CBS Love and War, and tell me whether you think this is gratuitous. This is middle class, not villains, just regular folks.

[A video was shown.]

Mr. VALENTI. Mr. Stringer was right, Mr. Chairman. Nobody died.

The CHAIRMAN. Except the credibility of the panel. I can tell you that. You can comment as you wish. I mean, seeing is believing. All that you all are doing in meeting in panels and getting together and making progress and working diligently and it is paying off—no, siree. We have been hearing this for years.

Mr. STRINGER. Well, I will defend the program. That was slapstick. And in her own way, the producer of that, who did Murphy Brown, she was satirizing television violence. That is the reason the punches do not look real and nothing looks especially real.

The CHAIRMAN. Look real?

Mr. STRINGER. Well, it is in the same spirit of the Three Stooges. You may not find it funny, but lots of people found it funny. At the end, she made some cracks about the television violence panel. I know, for me, it is not the most auspicious timing, this Monday night. But, nonetheless, that was not—the attempt was not to glorify violence, it was to make it as ridiculous as, indeed, violence in a bar actually is.

The CHAIRMAN. But no one gets hurt. There is no consequence. They all get back together and talk and so forth. And then they all start back fighting again. But that is your opinion.

Senator Dorgan.

Senator DORGAN. Mr. Chairman, thank you very much.

I think all of you on the panel are of an age where you have been involved in this industry no doubt throughout the 1980's, and most of the 1980's perhaps. The American Academy of Pediatrics conducted a study in which they concluded the amount of violence on television during the 1980's tripled.

Would you contest that conclusion? Do you generally think that is an accurate conclusion?

Mr. STRINGER. Well, I would think the number of channels tripled. I do not know the criteria which they used. The eighties was a violent—well, the technology of violence improved in movies and the whole world. I mean, Terminators and movies like that were able to show more and more people killed.

But were there more on television?

I do not know. There is certainly a lot less now.

Senator DORGAN. But you are obviously closer to television than we are, and probably closer to be in a situation to know. What do you think? I am just asking. If you start with the contention in this hearing that the American Academy of Pediatrics, among others, have done studies to say the amount of violence on television tripled in the decade, I am simply asking do you start with that assumption that that is probably reasonable accurate, or do you not?

Mr. STRINGER. I start with the assumption that, given the increase in the amount of television available, it is a statistic that might be true. It is not a statistic I am going to agree to, because I do not know.

I do know that comedies—at the beginning of the eighties it was announced by one network that comedy is dead and there were not very many comedies on. And there were lots of dramas. By the end of the decade, there were more comedies on the networks than ever before. That is a new statistic.

Senator DORGAN. But you see, Mr. Stringer, you are sounding to me like somebody who sells cigarettes. When they go on Nightline, they are still saying there is no demonstration that cigarettes cause cancer. Of course there is.

And I am just asking you, if we define the problem as a significant increase in violence on television, and there are plenty of studies that define that, one of which I just cited, I am asking if you and the television industry think that is true. Do you start from that same base? Because if you do not start from that same understanding, you certainly do not have the same road map that we have about where we want to go.

Do others of you have some notion of believing that at least there has been a substantial increase in violence on television?

Mr. VALENTI. I think there has been less violence in movies. What I think we have to do, Senator Dorgan—and I do not want to quarrel with this committee, I do not want to sound like a cigarette maker, I want to try to do something positive. And, by the way, Mr. Chairman, this is the first time in the last 40 years that the MPAA has ever been asked to testify at a violence hearing. The reason why you do not see my name in any of those records is because nobody asked me to testify.

So, I am not going to assume any guilt for past—Senator Pastore's hearings, all the way up to yours. I do not absorb any of that guilt. I am telling you what we are trying to do now.

Now, Senator, I do not know how these statistics were arrived at. If I say that there is less violence in movies today than there was 10 years ago, you might well say, well, how did you come to that conclusion? And I do not know how the American Psychological Association—unless you watch every television show.

Now, let me give you some numbers, Senator. This is the real world. The movie rating system each year rates about 600 movies.

Last year, 616. That is the equivalent of about 1,200 hours a year of movies. That is what we do, Senator.

Each day on American television, satellite delivered to homes, cable, et cetera, there are 75,000 hours a day.

Now, I presume that somebody is watching 75,000 hours a day. I do not know. Maybe they have. And if they are, they are deficient in sanity to do that. But let us assume that they do. We are dealing in subjectivity, Senator. This whole thing is subjective.

Senator DORGAN. Well, I accept that. But let me—you talked, Mr. Stringer, and others, about the premium channels versus network and so. Let me try to understand that.

What percentage of the viewers do the networks have—the networks, plus Fox, or the networks alone? What percent of the viewers do you command during the day? Is it 50, 60 or 70 percent?

Mr. STRINGER. In prime time it is 60 percent. It is less than that in the daytime.

Senator DORGAN. So, if you talk about 120 channels in Fairfax, Media General, 500 channels in the future and so on, lots of premium channels, a lot of opportunity to surf or whatever, grazing through the channels. But, in prime time, the networks have approximately 60 percent of the audience?

Mr. STRINGER. Yes.

Senator DORGAN. Well, I mean that still is the 500-pound gorilla. Obviously, not as big as it used to be, but if you have got 60 percent of the audience tuned to the networks during prime time, then it is, it seems to me, legitimate for us to look at what are you putting on the air?

Mr. STRINGER. Absolutely.

Senator DORGAN. And what I am trying to do with my question is understand, do you start from the same position that we start from? That, in fact, the amount of violence on television has increased, and therefore it is a problem we should address? Or do you start from a different perception—it is about the same as it always was, it has not increased, it has not changed much? That is what I am trying to understand.

Mr. VRADENBURG. Senator, I will take a stab at that.

I think Mr. Stringer may have misspoken and forgotten the emerging network, Fox, I think probably amongst the four of us we are well into the sixties now, 60 percent of the viewing, and closer to 70 some nights in prime time. I would say on those four channels, although we have only been around a few years, on those four channels, my impression is that the amount of violence has declined.

Mr. Stringer has said that he thought his schedule was the least violent in 25 years. I know that in Fox's fewer years of existence violence has declined somewhat over the last 4 or 5 years. So, I would say, at least as to those two, and ABC and NBC are not here, but it is my impression over the course of 1980 to 1992, or 1993, that the amount of violence in those programs has declined.

George Gerbner, who none of us I think on this panel would probably agree with in terms of definitions of violence—he is the gentleman that thought that the most violent network programming was Rowan and Martin's 25th Anniversary of Laugh-In. He

has recently concluded that the amount of violence on those channels has gone down.

I do not endorse his definitions, but, indeed, it does suggest that at least some people out there, even though these people we would not agree with in terms of defining the issue, have a different view than the study that you have put forward.

Senator DORGAN. I might ask one additional question. I have some others, but I know my time is about up.

Where was Murder in the Heartland broadcast? What network was that?

Mr. STRINGER. I believe it was ABC.

Senator DORGAN. ABC.

I use that as an example, because there was a fair amount of publicity about that and I watched the promos for that, and that is another thing we have talked about—not necessarily just the programs that are on television during prime time, but the promos for the other programs, which have been over the years incredibly sensational, especially during sweeps week. When you get toward sweeps week and start looking at the promos for some of these especially violent programs, it is really an outrage, in my judgment.

But, Murder in the Heartland, can you tell me, Mr. Stringer, a program like that, how is that sold to a potential sponsor? Does a sponsor generally just say to a buyer some place, you go out and buy me *x* rating points with this demographic capability? Or are you sending people out to say, here is the program coming up and it is going to be a dynamite program, here is what we are going to charge for it? I mean how does the marketing of a program work?

Mr. STRINGER. Well, I am not absolutely familiar with the circumstances around Murder in the Heartland, but I would bet that the movie did not do very well with advertisers. Advertisers are warned by our standards and practices division and our sales department about the nature of the content. And if indeed that movie is controversial or violent or adult in tone, they are advised, and they have the responsibility to pull out. And that happens now more than ever.

Now, as to the content of Murder in the Heartland—and I am not thrilled about the cigarette relationship, but the truth is that we are educating ourselves on the depersonalization effects of violence more thoughtfully than we used to. I think that goes for the media as a whole. That is our responsibility. I do not suggest we did a fantastic job in the eighties or even the early nineties.

We have treated violence without awareness occasionally of its consequences. But I do think more of that is cut out, and I do not think the mayhem will be repeated.

On the other hand, in fairness, a Canadian movie that we put on the air, which was about incest, was advertised as such about a delicate adult subject, and advertisers pulled out virtually entirely. It was an award winning movie that was actually a thoughtful and reflective and nongratuitous movie. We lost $1 million in advertising on that.

So, I know the cynicism notwithstanding, the climate is changing both amongst advertisers and affiliates. There are, after all, if you do not think our standards and practices do a good enough job, af-

filiates are now more careful than they ever were, and so are advertisers. So, we are left with shows naked at the end of the day sometimes.

Senator DORGAN. If I might make one other observation. I have served in the Congress now 14 years—nearly 14 years, and I do not think I have ever supported something that is considered censorship. I generally do not support censorship, and I think it moves us in exactly the wrong direction. My proposal is an almost immeasurably modest proposal by which we would produce information and give it to people and empower people with the information.

But a newspaper, in an editorial, reviewed that and suggested—their conclusion was I was a dangerous Senator for proposing what I had proposed. Do any of you on the panel think that what we are talking about up here is dangerous? Would you characterize it as dangerous, my proposal or others?

Mr. VALENTI. I will speak to the details. Your proposal is to report on what programs are violent. And that is not the same as saying, as Senator Hollings did, about airlines reporting ontime arrival. They either arrived on time or they did not. It is a dichotomy that is very easy to spot.

I think I would add one thing to your bill, Senator. And that is to define what it is that you mean by violence so that someone could report on what it is that you want to measure.

Mr. STRINGER. Which, indeed, advertisers do.

There is a difference. Someone on the panel earlier said that they would begin a program by outlining the number of people killed in a program. Well, if we did War and Remembrance, which was a story about the Holocaust, it would seem strange to begin it that way. Or Lonesome Dove, which is a western morality play in which, indeed, people were killed.

There is a difference between those kind of programming, which indeed have violent content, than the one I think you are anxious to destroy, and justifiable anxious to destroy, which is to say gratuitous violence—violence which is designed to titillate and amuse and entertain at the expense of thoughtfulness or rationality.

And if you can break that out, then it is not a problem. But you do not want to discourage—we are not likely to put on Richard III because the advertisers would not like the ratings. But they would not like the violence either. So, it is a slightly complicated issue. And I do not take issue with you in the goal at all.

Mr. COX. May I just comment also that I think you, perhaps, helped define the dilemma we are in in your conversations with the Attorney General this morning, when, I think, from your perspective, cowboys shooting bad guys and singing a song afterward was not deemed violence, but chainsawing somebody in half, from your perspective, was. Well, let's accept that as a definition, but I am not sure you would get agreement from other members of the panel that that is the correct and appropriate definition. So, I think it is very hard for us to conclude what is the "violence" that we are trying to measure.

I would go a little further on the other piece of your legislation which is to publish the list of advertisers who support and advertise on violent shows, and just suggest that the other intent of that

piece is really an attempt to drive advertisers away from those shows. And I guess if you do not think advertisers should be sponsoring those shows you ought to do something about it directly, rather than hope that the public will be some kind of vigilantes to take up the cudgel.

I get very worried—and I am not suggesting that is your intent here at all—when the Government starts publishing lists of groups of people whose behavior they think is contrary to the public good. That, to me, begins to smack of blacklists and all the potential problems that go along with that. So, I do have some concerns.

Senator DORGAN. I might just say it is the antithesis of that, in fact. It is empowering people with information to do what they want with that information. And the fact is they now walk around with essentially no information. And I do not think you would find disagreement about whether a chainsaw murder shown in graphic detail is excessive violence. I would guess it would be hard to find a context and a story in which that was something you would find with redeeming value.

So, at least among the three of us, we might start with chainsaw murders and say, you know, we ought to at least keep those out of prime time for kids to see. Mr. Stringer has a 10-month-old, and he not only by his decisions talks to my 6- and 4-year-old in our home, he is going to be talking to his children as well.

And I would hope that we will find ways to be more sensitive about what kinds of violence are we portraying during what hours of the day, in order to be sensitive to the needs of our children. That is the point we have been trying to make, and others have made it more eloquently than I. But that is the purpose of this hearing.

Mr. STRINGER. We would not put Chainsaw Massacre on the network under any circumstance, if that cheers you up at all.

Senator DORGAN. Thank you.

The CHAIRMAN. Senator Burns.

Senator BURNS. My question will be very short, because I would imagine that you are probably running a little thin on groceries about right now. [Laughter.]

Well, I snuck out and ate. I have never missed a meal nor do I plan to.

I want to get back to where I think Senator Dorgan was headed. And I think we look at this; how do we define violence and who defines it?

Now, to me—the chairman thought that was pretty violent in that saloon when they were fighting. Now, if he was raised in Montana that did not look too violent, you know. [Laughter.]

We usually hit what we look at. It is kind of like in Texas too. I think Mr. Valenti would think that that was pretty slapstick. And I enjoyed that. I do not think that does—to my notion—and this is how people will vary it, and I understand what problem you have, that was funny to me; to him, he saw it in a different light.

And it was like I alluded a while ago, last night we went to see, I thought, a very delightful movie. And it was a violent movie, if you like football. Rudy, I mean they run over that little old kid just like a steamroller. And he is all beat up and now that is violence. And I mean he is bleeding and it looked like real stuff to me.

But you expect that in that setting. If you see a war picture, you expect violence in that setting. I think what we—and but what we are looking at today, and the more I hear this question here. I said if you really want to take a violence, just take a look at the local newscasts. I mean they all lead off with murders. I mean, if we took all the murders in the DC newscasts here and if we took the murder out of the newscasts, they could do the news in 15 minutes. They could do it in 15 minutes. But they go out there and they do everything in detail, I mean to the blood on the streets. I mean, they get a closeup of that.

So, I understand where you are coming from and I know it is real—and I do not think there is legislation that can deal with that, to be honest with you, that you could stay within the Constitution of the United States of America.

It is like I said, I do not understand why some of these very big, strong, powerful groups—and they call themselves public interest groups when they are basically—where is the NEA and the AFL–CIO? Do they come in and talk to you and say we have got a problem in our communities and we would like to work with you to clean up some of this, or their perspective? Or where is the PTA? Are they walking in there and nationally saying, you know, we need some help with this.

But I want to ask—and any of you can respond to those if you like. But, Jack, I saw Rudy and I think that is a delightful movie and I would recommend that to any family to see that, because of the story. It is a great story. I know a couple of the people that was involved in that. I know them personally. I know Dan Devine personally and I know it to be true. But it is a great story and well done.

Mr. VALENTI. It is. And it is about football. And the violence is football violence where, as you say, these big guys they just roll over this kid and he stays in there with a great tenacity. But it is about football, mainly football practice.

Senator BURNS. That is all. He only got in two plays in his whole career at Notre Dame, and that is a great story.

Senator DORGAN. If the Senator would yield on that point. I understand the point you make and it is a good point, except that you went to the movies someplace. You got in the car and you were invited to go to a movie. We are talking about a television box that is in the living room and there is a difference, and I just think that distinction needs to be made.

Senator BURNS. But do not we have to—somewhere in this whole give and take, this dialog, do not we have to say, OK, somewhere there has to be some personal responsibility. Government cannot do everything. There has to be some kind of responsibility, either be it parental or whatever.

Senator DORGAN. Yes, and I agree with that. I would say in answer to your other question, we have got representatives from the PTA and National Coalition on Television Violence here, and I will bet you a dime to a doughnut that they have been talking to all these folks and talking to all these folks repeatedly for years.

Senator BURNS. Well, I wanted to just ask a question. Now, I know the networks have the standards and practice departments.

Do you in cable, or is there any other—or do they have practices and standards, Mr. Valenti?

Mr. VALENTI. Well, let me just inject here that the movie industry dealt with this issue 25 years ago. I personally visited with the governing boards, the PTA, the Daughters of the Confederacy, the Knights of Columbus. I went to the National Education Association. I dealt with everybody to set up a voluntary movie rating system which gives cautionary warnings to parents. So, before you go out of your house we say you had better find out about this film. Please do not go see an R film and take your kids with you because it is adult material. Please do not do it.

And we certify that in advance. Now, we have been doing that for 25 years and it has lasted, Mr. Chairman. Nothing lasts that long in a volatile marketplace unless you are providing some kind of a benefit to the people that you aim to serve. So, we have taken this on a long time ago and are dealing with it right now.

Senator BURNS. Do any of you agree that maybe using the V chip or the code in the VCR's, is that a good idea under Government mandatory?

Mr. STRINGER. Well, I think the V chip—the intent, as Senator Dorgan says, is a valid one, is to get gratuitous violence off the air. The V chip is all inclusive. It is the thin end of the wedge. I mean when is a V chip not a V chip. And if you begin with a V chip for violence, why not political correctness, why not sex, why not whatever.

If a V chip had taste and was able to eliminate the stuff that we all agree is gratuitous, you would encourage it. But the V chip is all inclusive. Gone is Lonesome Dove. Gone is the Civil War. Gone is everything unless you are careful. Besides, the technology is moving along, as such, that I think as the television set becomes more and more refined, I think it will become easier for parents to get rid of violent shows than it used to be.

Senator BURNS. Well, I thank all of you and I am interested in your testimony. And, Mr. Chairman, I thank you very much. Do not V out Lonesome Dove. That had a great destination.

The CHAIRMAN. Very good. As the distinguished Senator says, we in Government are limited. But some in the hallway are talking as lawyers that somehow we cannot do anything. The fact of the matter is, and I will insert in the record the *Ginsburg Feber Pacifica* decisions.

And just one line from Action for Children's Television versus FCC by Ruth Bader Ginsburg, now an Associate Justice of the U.S. Supreme Court when she was on the circuit court of appeals. That the power of the State to control the conduct of children reaches beyond the scope of its authority over adults. Channeling is designed to protect unsupervised children.

And in *Action for Children's Television* v. *FCC*, and I quote, "the reasonable safe harbor rule was constitutionally mandated. And that is the gun that we aim down the middle of the Constitution and the first amendment to make sure that we did not try to go beyond our particular authority or responsibility."

And otherwise, we will include in the record the summary of TV Guide. There is no more respected organ in television than TV Guide itself. And on last April—or rather I should say April of last

year, April 2, 1992, they retained a particular nonprofit monitoring company to go out on a Thursday. They said it was chosen because it was a heavily viewed night of television by a wide cross section of America. The prime time shows on that evening tend to be popular, well known series on down the list.

And it starts with how much violence is there. It starts with one sentence: "More televised violence than at any time in the medium's history is flowing into American homes." Now, I can break it down. Mr. DeVaney, you win the prize. I am quoting; "the outlet purveying the most violence that particular spring day was the unaffiliated stations, 376 scenes o[illegible] every 3 minutes. But it has got all the different networks and channels.

That will be included in the record.

Are there any further comments by any of the five panelists?

Mr. VALENTI. Well, I would just like to say again, Mr. Chairman—as I said, this is my first time in all of these years to be a part of this. I care about this issue and I am attending myself personally to it. And I told this to Senator Simon and others and to several Members of the House, that if I thought at some time over the next few months that what we were trying to do was not working, then I was going to come back and say, look, I just do not think this is working and I am going to remove myself as one of the leaders in it. And it is going to carry on, but I do not feel comfortable with it.

And I have been around this town a long time. I do not have to prove anything. And the one thing I want to carry away with me is the fact that when I give a pledge, I redeem it. And if I cannot do it, I will tell you and I will back away.

The CHAIRMAN. Well, we thank you very much, each of you. We appreciate your appearance today.

The committee will be in recess subject to the call of the Chair.

[Whereupon, at 2:25 p.m., the hearing adjourned.]

APPENDIX

PREPARED STATEMENT OF SENATOR DORGAN

Mr. Chairman, thank you for holding this hearing on television violence. I want to welcome the witnesses who will testify today, including Attorney General Janet Reno. Her presence here demonstrates her commitment to pursue the nation's crime problems to their roots, and I applaud her for that.

In addition, I want to welcome our colleagues Senators David Durenburger, Carl Levin and Paul Simon. Senator Simon in particular has done much to raise the awareness of the entire nation on the problem we will address today, and he deserves our praise.

My main concern is that the Congress has been down this road so many times before. This is not the first congressional Committee to examine the violence that television pours into the nation's living rooms. Almost forty years ago, at the very beginning of the TV age, the Subcommittee an Juvenile Delinquency of the Senate Judiciary Committee addressed this issue in hearings held all over the United States. Since that time, the issue has come up again and again.

Each time, the pattern has been the same. Members of the public express outrage and concern over the bloodshed that a handfull of media magnates dour into the nation's living rooms. The networks either deny the problem, or offer earnest promises of reform. And then, nothing. The nation's attention shifts to other problems, as it always does.

Time and again, there has been absolutely nothing to show for all the commotion, besides hearing records that turn yellow In the Library of Congress, and the promises of the network executives that waft off into Washington's gaseous atmosphere.

We must not let that happen again. We must resolve to take action that will reinforce the professed good intentions of the networks, and enlist the weight of public displeasure against any that don't follow through.

Television confronts us with a problem not seen before in history. It enables a group of adults—called networks and cable channels—to bypass parents, slip past the front door of the home, and enter the family living room where they can speak directly to the children.

Television enables these adults to fill the minds of these children with images of violence and gore that parents would never, ever, show on their own. It enables these adults to teach our youngsters that the way to solve problems and resolve conflicts and be cool is to take a gun and shoot somebody. (Back in 1954, one doctor told the Subcommittee on Juvenile Delinquency that the flood of violence on TV suggested psychological disorder among those responsible for it. What kind of person, he asked, parades images of bloodshed and gore in front of innocent young children?)

I hope we will not hear today that there is no "proven" relationship between the images that children take into their minds for five hours a day, and their eventual behavior. I hope we will not hear calls for more research and further study. Any parent knows we don't need more studies. Anyone who works with inner city youngsters knows that the impact of television violence can be especially great when there are no strong adult influences to buffer the impact of TV.

Here's what an inmate at the Maryland State penitentiary said on this subject in the Washington Post:

> 'Every day Americans 4,000 prisons and jails receive an influx of young African-American males as new inmates. Many of the million-plus inmates have been convicted of senseless crimes of violence. The majority of these men first encountered crime and a glamorized view of the drug trade through a TV set. Inside—being 'corrected'—they now spend the great bulk of their days watching TV.

Or listen to Mr. Lawrence Gordon, who produced the 1979 movie "The Warriors." The movie was recalled because it prompted so much violence on the part of young viewers. Three killings were linked to the film the first week it was shown.

"I'd be lying if I said that people don't imitate what they see on the screen," Mr. Gordon said recently. "I would be a moron to say they don't, because look how dress styles change. We have people who want to look like Julia Roberts and Michelle Pfeiffer and Madonna. Of course we imitate. It is impossible for me to think they would imitate our dress, our music, our look, but not imitate any of our violence or our other actions."

Of course children imitate. Of course they pick up cues from television regarding how to solve their problems and how to be cool. That's why advertisers spend so many millions striving to reach those kids through TV. And that's why we have to help parents reach those advertisers.

Television is a habit. One student of the industry called it a "Plug-In Drug," especially where children are concerned. Violence on TV is an addiction too—both for the audience that watches it and for the TV executives that put it there. As with any addiction, it takes constantly bigger doses to achieve the same effect.

That's why TV violence grew out of control during the 1980's. Prime time violence tripled during the 1980's; by the early 1990's, some 1800 scenes of violence were projected into the American home in a typical broadcast day. Last year there were 32 acts of violence per hour on children's shows—an all-time record.

While America had crack in the streets, it had the media equivalent in the broadcast and cable suites, as program executives dispensed larger and larger doses of violence to get their ratings high.

We can't break this addiction with earnest resolutions or spasms of high-level concern. The only way to break a bad habit is to establish better ones, and to reinforce those new ones constantly. we have to build those reinforcements right into the information infrastructure of our society. We need a cultural warning light that flashes when the broadcasters cable programmers start to slip back into their old ways. If we don't do this—if we leave this room today satisfied with the apologies and good intentions of the network executives—then we will have done nothing at all, and we should just call off this hearing and save the taxpayers some money.

We have to make the television industry accountable, and the way to do this is public information, in the free marketplace of ideas.

It is not the role of government in this country to tell people what they can watch. Nor should we try to tell broadcasters and sponsors what they can put on the air. But it is the role of government to help make the free marketplace work, by providing information to the public—information on which they can make their own free choices. That's what I'm proposing regarding violence on TV.

Under this approach, the government wouldn't regulate; parents would, and other concerned adults too. Government would do for them no more than it does for business of all kinds: gather information that would help parents express their own free choices.

Specifically, under my proposal, the Federal Communications Commission would issue a quarterly report on violence on TV. It would tell the public which shows, and which corporate sponsors, portray the most violence. Parents could then send a market message on the subject of violence on TV—one the corporate sponsors would understand.

The FCC would make these reports quarterly, including at least one "sweeps" week, when networks push the peddle to the floor to get higher ratings. At first the survey would include the major networks plus Fox and cable. It would not cost much money. The National Coalition on Television Violence, which has done surveys along this line from time to time, says that they cost about $10,000 a shot. Even allowing for bureaucratic overhead, we're talking about a pittance, especially considering the benefits to the whole society.

Besides, why shouldn't the government start helping parents, the way it helps corporations? The federal government spends millions and probably billions of dollars a year, gathering data for use by business. The Census Bureau alone provides a treasure trove of demographic research for ad agencies and corporate marketing departments. Corporations use this government data to target consumers. Now it's time to give parents data by which they can target advertisers who are abusing their children.

If Americans don't really care about this violence, then it would continue. If they do care about it, and send their market message accordingly, then it would change. That's the way a democracy and a market economy are supposed to work.

I am glad that the broadcast industry has taken some steps already. It may turn out to be a good idea to have uniform violence standards, along with advisories on certain programs that contain violence. The signs of effort here are to be commended. But I must add that, after forty years of escalating violence and public concern, the industry cannot be accused of undue haste. More importantly, it worries me that the industry's steps put the solution solely in the hands of the perpetrators.

In a society that tries to act on democratic market principles, there has to be a greater role for an informed public as well. Put another way, we need an answer that works from the ground up, not just from the top down; and that strengthens the roles of families and communities as the bulwarks of standards in our society.

Once again Mr. Chairman, thank you for holding this hearing.

PREPARED STATEMENT OF THE AMERICAN MEDICAL ASSOCIATION

The American Medical Association (AMA) is pleased to submit this statement for the record of the Committee's October 20, 1993 hearing regarding the three above-captioned bills. The comments concerning these bills are based on a preliminary analysis and are submitted in order to provide you these views prior to the close of the record. AMA's Council on Legislation and Board of Trustees will be considering these bills for official policy positions, and we will forward to you that final action when completed.

S. 1383, the "Children's Protection from Violent Programming Act of 1993," introduced by Committee Chairman Hollings and Senator Inouye, would make it unlawful for any person to "1) distribute to the public any violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience; or 2) knowingly produce or provide material for such distribution." The bill delegates definition of the terms "hours when children are reasonably likely to comprise a substantial portion of the audience" and "violent video programming" to the Federal Communications Commission (FCC) through administrative rulemaking. S. 973, the "Television Violence Report Card Act of 1993," introduced by Senators Dorgan and Conrad, would require the FCC to 1) evaluate and rate television programs, with respect to the extent of the violence contained in those programs; and 2) publish such ratings in the form of a "television report card." S. 943, the "Children's Television Violence Act of 1993," introduced by Senator Durenberger, is intended to "protect children from the physical and mental harm resulting from violence contained in television programs," through FCC development of standards which would require "broadcast television licensees, and cable operators, including cable programmers, to include, at the beginning of the programming, and at other appropriate times during such programming, a warning label, with an audio voice over, to the effect that the programming may contain violence, or unsafe gun practices, and may adversely affect the mental or physical health, or both, of a child, and may, if the events portrayed in such programming occur in real life, warrant the imposition of criminal penalties."

While the AMA does not support an outright banning of programs with violence or regulating the content of programs, we do support minimally restrictive measures designed to promote and achieve the compelling governmental interests to protect children from the harmful effects of violent programming. We believe that action is needed to halt at least some of the violent behavior in our society that too many of our children learn through watching television. The AMA, as the major national professional organization representing physicians in this country (who themselves are burdened with what is often perceived as an excessive amount of governmental regulation), is sensitive to the concerns of the television industry relating to regulation and free speech. We feel that each of these three bills strikes a reasonable balance between curbing children's exposure to television violence and preservation of broadcasters' and programmers' First Amendment liberties.

The authors of legislation must be very careful to frame appropriate regulation without treading on First Amendment or other rights. In this regard, in comments made in introducing S. 1383, Senator Hollings cited a 1989 United States Supreme Court decision holding that the government may regulate constitutionally protected speech in order to promote a compelling interest "if it chooses the least restrictive means to further the articulated interest. " Senator Hollings proceeds to state that he is "convinced this bill is the least restrictive means by which we can limit children's exposure to violent programming."

In introducing S. 973, Senator Dorgan maintained:

> I do not suggest we ought to censor * * * what I would do is use a simple, market-based approach: give parents information * * * give parents and give the American people the information with which to make viewing decisions for themselves and for their children.

In introducing S. 943, Senator Durenberger declared:

> In my view, this is a moderate approach that is consistent with the First Amendment. As I said earlier, it does not mandate that no violence can be shown on TV * * * Further, to stay within First Amendment guidelines, the bill makes no content distinctions based, for example, on whether the violence

> is gratuitous or merely incidental * * * My bill would notify parents and others that a program may be violent and may cause harm to their children. This is a legitimate health and safety concern. Anyone who knows public health will tell you that the biggest public health problem today is violence. In my opinion, enacting this bill would be an anticrime measure every bit as important as some of the provisions in this year's crime bill.

We want to reiterate a point made by Senator Durenberger: This is a legitimate health and safety concern. It is no secret that we live in a terribly violent society. Undeniably, violence in the United States has reached epidemic proportions. In addressing it, we cannot overlook that violence is a major medical and public health issue. In addition to having a severe, broad-reaching negative impact on the health of Americans, violence results in a huge number of encounters with the health care system. Care for the victims of violence strains the health care system and adds significantly to the U.S. health care bill. It has been reported that over 500,000 emergency department visits annually are due to violent injury and that two-thirds of crime victims treated in hospitals are uninsured. It has been estimated that the direct medical costs of all violent injuries add more than $5.3 billion to U.S. health expenditures.

Violence in general is clearly an enormous and at least partially avoidable public health problem in this country today; particularly alarming is the prevalent depiction of violent behavior on television, especially in terms of its "role-modeling" capacity to potentially promote "real-world" violence. The AMA decries such depictions of violence. In a policy statement adopted as long ago as 1976, the AMA "declares that TV violence threatens the health and welfare of young Americans, commits itself to remedial actions with interested parties, and encourages opposition to TV programs containing violence and to their sponsors." Reaffirming this policy was a 1982 statement expressing "vigorous opposition to television violence" and clearly stating our "support for efforts designed to increase the awareness of physicians and patients that television violence is a risk factor threatening the health of young people."

Without a doubt, the majority of the American public is concerned about and disturbed by the phenomenon of TV violence. A Times Mirror nationwide poll of 1,516 adult Americans conducted in February of 1993 indicated that more than 72 percent of those surveyed felt that entertainment TV is too violent, and 80 percent believed it to be harmful to the nation.

Epidemiology professor Brandon S. Centerwall, MD, MPH, stated in his article "Television and Violence: The Scale of the Problem and where to Go from Here," which appeared in the June 10, 1992 issue of the Journal of the American Medical Association, that "children's exposure to television and television violence should become part of the public health agenda, along with car safety seats, bicycle helmets, immunizations, and good nutrition." In his testimony before this Subcommittee on May 12 of this year, Dr. Centerwall maintained that "if, hypothetically, television technology had never been developed, there would today be 10,000 fewer homicide deaths each year." The mere implication of a relationship between TV violence and homicide, much less 10,000 homicides each year, cries out that we have an enormous problem!

A number of interrelated factors exist which contribute to the enormity of the TV violence problem in this country today. First and foremost is the fact that so many individuals and families, of practically all ages and socioeconomic levels, own one or more TV sets. There are millions and millions of TV sets in this nation; this is perfectly understandable, since TV is a convenient and relatively inexpensive form of entertainment. Thus, there is tremendous access to TV; it has inundated our culture, drawing viewers of all age ranges, backgrounds and socioeconomic levels. Since TV and the violence it depicts reaches so many individuals, its effect upon society is, correspondingly, greatly magnified.

Next, not only is the TV medium so prevalent, in terms of access by huge numbers of individuals, the problem of TV violence and its societal effects is further augmented by the fact that, particularly in large metropolitan areas and on cable, TV programming is broadcast at all times of the day and night. This further increases viewers' access to TV violence.

In addition, the TV violence problem is exacerbated by the fact that the violence cuts across so many different lines of programming. A great variety of different types of programming contain violence, ranging from the reporting on the network news to "real-life" crime action shows such as "Cops" or "Rescue 911," from sports such as boxing and wrestling to dramatized or fictionalized made-for TV movies on any number of subjects involving crime, murder, rape and violence in general.

TV violence may have particularly harmful or negative effects upon certain segments of the viewing population, including children, emotionally unstable individ-

uals with volatile personalities, and spouse or child abusers (that is, upon those too young to understand or otherwise unable or ill-equipped to comprehend that violence should not be employed as a means to solve problems and to "right" perceived wrongs).

Perhaps most troubling are the potentially deleterious effects which TV violence may have upon children. It has been estimated that the typical American child is exposed to an average of 27 hours of television each week, and that some inner city children are exposed to as much as 11 hours per day. It has further been estimated that the typical American child will watch 8,000 murders and 100,000 acts of violence on television before finishing elementary school and that, by the age of 18, that same child will have witnessed 200,000 acts of violence on TV, including 40,000 murders.

It is well-established that children learn behaviors by example. They have an instinctive desire to imitate actions which they observe, without always possessing the intellect or maturity to determine if such actions are appropriate. This principle certainly applies to TV violence. We must take measures to curb TV violence if we are to have any chance of halting the violent behavior that many of our children learn through watching television. If we fail to do so, and instead continue to expose our children to ever-increasing amounts of violence on television, it is a virtual certainty that the situation will continue to get worse. According to the Federal Bureau of Investigation, we are already currently in the midst of an unrivaled period of juvenile violent crime among youth from all races, social classes and lifestyles.

As Senator Kent Conrad of North Dakota has aptly expressed, with regard to violent crime: "These aren't just poor kids in inner cities. These are kids who live in the country, in the suburbs, rich kids, city kids, farm kids. The increase in violent crimes committed by children, and against children, affects families of every race and every income level. The problem is growing for all of us."

As physicians, we are also concerned that, notwithstanding TV program content and its potential to promote violent juvenile behavior, the mere expenditure of 27 hours each week watching television by the typical American child is problematic. Sitting in one spot and watching television for 27 hours a week takes that many hours away from time that the child could be outside playing, riding a bicycle, exercising. Thus, it could have negative consequences upon the child's physical development and contribute to such conditions as childhood obesity. In addition, those same 27 hours are detracting from the time that the child could be spending studying, reading books, or engaged in other constructive activities to promote his or her intellectual development.

At this point, we would like to take note of the agreement reached at the end of this past June between the ABC, CBS, NBC, and Fox television networks to adopt an "Advance Parental Advisory" plan to identify violent network entertainment programming. The "Advance Parental Advisory" reads: "Due to some violent content, parental discretion advised," while each network retains authority under the agreement to decide on the appropriate use of the "Advance Parental Advisory," according to agreement on broad standards for its application by the four networks, it is to be used "when, in the judgment of the network, the overall level of violence in a program, the graphic nature of the violent content, or the tone, message or mood of the program make it appropriate." In addition, according to the agreement, "in considering the use of an advisory, the network will evaluate such factors as the context of the violent depiction, the composition of the intended audience and the time period of broadcast. Advisories would be used selectively to highlight and single out for parents specific programs where the violent content is unexpected, graphic or pervasive."

We view the ABC-CBS-NBC-Fox agreement as a good first step toward helping parents become involved in making more informed viewing decisions for their children, but merely a start. We feel that far more must be done, and done soon, to curb TV violence. As regards the June 30 agreement, first of all, the networks themselves are going to be doing the monitoring, deciding what is and is not going to be deemed violent. This may or may not prove to yield an appropriate measuring-stick as far as the identification of violent programming is concerned. However, even if for purposes of argument it is agreed that the networks will be honest, reasonable and forthcoming in their use of the "Advance Parental Advisory," it still offers a quite incomplete and ineffective solution to the problem. This is because, while in an ideal world, parents and children would sit together and watch TV, with the parent exerting mature and appropriate influence in guiding the child's viewing behaviors, we all know that we do not live in such an ideal world. Often, due to the prevalence of TV sets in this country, the parent will be watching TV in one room while the children will be watching TV in other rooms. Furthermore, it is a plain and simple fact of life that parents can't always be physically present to supervise their chil-

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dren. When unsupervised, children will frequently do the exact opposite of what their parents would want them to do. In this respect, the "Advance Parental Advisory" might be "counter-productive" and have just the opposite effect of what it is supposedly intended to do—that is, upon seeing the "Advance Parental Advisory" appear on the TV screen, the child may be even more likely to sit down and view the programming.

Another major problem with the June 30 agreement is that it merely calls for identification of violent TV programming. It does not go to the heart of the problem and mandate or bring about a reduction in the amount of TV violence. Furthermore, the June 30 agreement is, of course, limited to the four networks entering into it; cable television networks, which also present much violent programming, are not at all affected, nor are local stations showing nationally produced syndicated series. Also, the June 30 agreement might not even reach some types of violent programming, such as cartoons, on the four networks entering into it.

In conclusion, the AMA membership has extremely strong feelings about the subject of TV violence and has long spoken out against such violence. Most recently, we have submitted a statement for the hearing record of the June 8, 1993 joint hearing of the Constitution and Juvenile Justice Subcommittees of the U.S. Senate Judiciary Committee regarding TV and motion picture violence in America and have testified before the House Energy and Commerce Committee's Subcommittee on Telecommunications and Finance at its hearing on July 29, 1993. In addition, we have worked with Senator Kent Conrad, joining his National Task Force on TV Violence and circulating petitions for signature in the physician community to urge action regarding violence on television and in motion pictures. To date, we have contributed approximately 4,000 signatures.

Physicians, through the AMA, will continue to voice alarm over the rising tide of violence in America. We are concerned that TV violence is a factor that contributes to the real violence that adds over $5.3 billion to our national expenditures for health care. Frankly, we feel that this is a subject which simply cannot get too much attention.

The time for action is now; considering the damage to our society that TV violence is capable of causing, there truly is not a moment to spare.

LETTER FROM SENATOR CARL LEVIN, CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

NOVEMBER 3, 1993.

The Honorable ERNEST F. HOLLINGS,
U.S. Senate,
Washington, DC 20510

DEAR FRITZ: Thank you for the opportunity to testify regarding my legislation on violent promotional ads, S. 1556, at your committee's recent hearing on TV violence. The information gained at that hearing, particularly the testimony of Attorney General Janet Reno, is very useful in the debate on thin issue.

I want to inform you of a correction to my testimony regarding the actions of the Federal Communications Commission (FCC) in response to my request for their opinion on my proposed legislation. At the hearing I indicated that the FCC had "not even answered our letters on this, because they could do this by regulation if they chose to do so." At the time, I was unaware that James Quello, Chairman of the FCC, had just sent a response to my request.

Chairman Quello stated in his letter that it was the FCC's position that in order for the FCC to have authority to act in the area of television violence, legislation is needed. Though I was unaware of this at the time, I want to make sure the record accurately reflects the position of the FCC. I have enclosed a copy of the letter from Chairman Quello and ask that it be included in your hearing record along with a copy of this letter.

Thank you for your attention to this particular matter and for your good work in this area.

Sincerely,

CARL LEVIN,
Chairman, Subcommittee on Oversight of Government Management.

LETTER FROM JAMES H. QUELLO, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION

OCTOBER 14, 1993.

Honorable CARL LEVIN,
U.S. Senate,
Washington, DC 20510

DEAR SENATOR LEVIN: This is in further response to your letter of June 21, 1993, regarding the issue of violent commercials on television and your follow-up letter of September 1, 1993. You request a more specific response as to the possibility of a Commission rule requiring that copies of commercials be maintained and for a report on the status of a pending petition for rule making relating to the violence issue.

The Commission at this time has enforcement power over the broadcast of obscene and indecent programming pursuant to specific statutory provisions but there are no parallel statutory provisions relating to violence. Thus concerns in this area are currently addressed only through such voluntary self-regulatory efforts as are, for example, taking place under Senator Simon's antitrust exemption legislation. In the absence of applicable Commission substantive regulations, there would be no immediate regulatory rationale for the maintenance of copies of violent commercials. If the Commission were provided with broader authority with respect to violent programming, it would be desirable for the Commission to consider rules to facilitate the complaint process but our experience in other areas suggests this might be accomplished without recording and retention requirements. In this regard it is perhaps worth noting that a statutory requirement that copies be maintained of certain programming on noncommercial stations to facilitate the complaint process, formerly contained in Section 399(b) of the Communications Act, was held to be unconstitutional in the 1978 decision of the D.C. Circuit Court of Appeals in *Community Service Broadcasting of Mid-America* v. *FCC*.

The Foundation to Improve Television rule making petition, referred to in my previous correspondence, is intended to address an "excessive amount of dramatized violence and to alleviate the harmful effect of such programming" during children's viewing hours. A copy of FIT's specific rule proposal is attached. This petition is currently under review and, as you can see from he proposed rule, raises a number of difficult definitional and enforcement issues beyond the more general question of whether this is a matter properly addressed by the Commission in the absence of specific legislative guidance.

Sincerely,

JAMES H. QUELLO,
Chairman.

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§ 73. —— Violent television programming.

1(a). Authorization, including but not limited to, a construction permit, license, license renewal, franchise, etc., for the operation of a broadcast television station, cable franchise or other facility or arrangement for providing television programming to the public from the Federal Communication Commission or from any other Federal, state or local authority shall be denied or withdrawn from any licensee, broadcaster or other programming provider upon a finding by the appropriate authority that such party has followed, is following, or proposes to follow, a policy or practice of broadcasting or transmitting television programming containing an excessive amount of dramatized violence between the hours of 6:00 a.m. and 10:00 p.m.

(b). For purposes of this section, television programming contains an excessive amount of dramatized violence if it contains dramatized portrayals of killings, rapes, maimings, beatings, stranglings, stabbings, shootings, or any other acts of violence which, when viewed by the average person, would be considered excessive or inappropriate for minors.

(c). For purposes of this section, "violence" means the use or threatened use of physical force against another or against one's self, whether or not such act or threat Occurs in a realistic and serious context or in a fantastic and humorous context. Idle threats, verbal abuse, and gestures without credible violent consequences are not "violence" for purposes of this section.

(d). For purposes of this section, ban excessive amount of dramatized violence means an amount of dramatized violence inappropriate for minors or exceeding that permitted by the guidelines developed by the Commission pursuant to paragraph 7 of this section.

2. Telecasters shall provide appropriate advisories, both audio and visual, to warn viewers of any programming containing an excessive amount of dramatized violence telecast between the hours of 6:00 a.m. and 10:00 p.m. Such advisories shall explicitly refer to the violent Contend of the particular programming. Such advisories shall be shown at the beginning of any such programming, as well as at the conclusion of all commercial breaks during any such programming.

3. Telecasters shall superimpose an appropriate visual warning signal over any programming containing an excessive amount of dramatized violence telecast between the hours of 6:00 a.m. and 10:00 p.m., which signal shall remain visible for the duration of the programming.

4. Telecasters shall not telecast commercial advertisements or promotions for upcoming programming between the hours of 6:00 a.m. and 10:00 p.m., which advertisements or promotions contain an excessive amount of violence.

5. Telecasters shall promulgate a set of common standards for classifying programming on the basis of violent content which shall be made public and available to all interested parties, published in generally available program guides, and displayed on-screen immediately prior to the transmittal of the programming to which it pertains. All telecasters shall classify their programming according to the programming classification standards required by this paragraph. The standards shall be developed in consultation with the Commission and interested media-oriented public interest groups.

6. Telecasters shall develop programming designed to educate and inform children about the implications and effects of violence, violent behavior, and the effects of exposure to television violence. Telecasters shall also conduct or sponsor activities designed to enhance the value of such programming.

7. The Commission will convene hearings and solicit public comment on the issue of televised violence, after which the Commission will promulgate guidelines on programming containing dramatized violence telecast between the hours of 6:00 a.m. and 10:00 p.m., which guidelines shall provide telecasters with a clear understanding of their responsibilities.

The Petitioner suggests that any guidelines promulgated pursuant to Rule 7 should contain language similar to the following:

While violence may have legitimate uses in television programming, it should not be used gratuitously. Telecasters must consider the context in which violence is shown. Violence must not be divorce from its consequences, both moral and physical. Violence should not be exaggerated in relation to the context in which it occurs. Particular caution should be exercised when programming deals with both sexual and violent themes. Similarly, suicides, hangings, and the like should not be depicted in great detail or at length. Programs which are likely to adversely affect children's sensibilities should not be aired during children's viewing hours.

PRESS RELEASE—H F. GUGGENHEIM URGES VIGILANCE AGAINST MEDIA VIOLENCE

CALLS FOR MONITORING OF TV NETWORKS' COMPLIANCE WITH GUIDELINES TO LIMIT VIOLENT CONTENT OF PROGRAMS

NEW YORK—The nation's only private foundation devoted exclusively to the study of violence and aggression called today for new vigilance against violence in television programs and motion pictures. In issuing a report entitled "The Problem of Media Violence and Children's Behavior," the Harry-Frank Guggenheim Foundation urged parents, children's advocates, Congress, and the entertainment industry itself to monitor the industry's compliance with new self-imposed guidelines designed to limit violent content in television programs.

"A substantial body of scientific research now documents the damaging effects of exposure to violent media content. Many leading scientists are convinced that media violence promotes real violence," said foundation president James M. Hester. "The entertainment industry plays an important role in the epidemic of youth violence sweeping the nation. Parents, children's advocacy groups, and Congress should hold the networks to their promise to curb violence on television."

The foundation called on the entertainment industry to adhere to a 15-point set of standards issued by the three major television networks in December 1992. ABC, CBS, and NBC developed the guidelines in response to a law passed by Congress that protected the networks from prosecution on antitrust grounds if they coordinated efforts to regulate the amount of violence in their programming. The exemption expires at the end of this year.

"The public is anxious about the problem of media violence,

but they don't know what's being done to address it," Hester said. "This report supplies up-to-date information, including an important statement by Professor Leonard Eron of the University of Michigan. We hope it will encourage vigilance in monitoring how well the TV networks live up to their own guidelines. They have made a social contract with the public, and they should be held accountable to it."

The foundation report also points out that the motion picture industry and cable television networks have yet to issue similar standards limiting violence.

"The initiative of the television networks is a step in the right direction, but the remainder of the industry has yet to respond to the warnings of scientists and the protests of concerned citizens," Hester said. "Media violence obviously remains a very serious national problem."

The Harry Frank Guggenheim Foundation supports research in a broad range of disciplines in order to illuminate the causes and consequences of human violence. The foundation's goal is to reduce violence and improve relations among people by increasing society's understanding of violence and aggression.

[Occasional Papers of the Harry Frank Guggenheim Foundation, No. 7, may be found in the committee files.]

LETTER FROM ED DONNERSTEIN, PH.D., PROFESSOR, UNIVERSITY OF CALIFORNIA, SANTA BARBARA

JOHN WINDHAUSEN,
U.S. Senate,
Washington, DC 20510–6125

DEAR JOHN: Thanks for inviting me to speak last week. I hope my testimony was of value to the Committee. Given the rush of people I did not have time to meet with you, but I did want to give you a couple of articles which might be of interest. One deals with the issue I raised about definitions, in the sense that it shows that a rape (which is violent) can have a prosocial impact if presented in the correct manner. The other article deals with sexual violence in the mass media and discusses issues on the rating system and education.

If I can be of any further help please let me know.

Sincerely,

ED DONNERSTEIN, Ph.D.,
Professor.

[Miscellaneous articles and materials may be found in the committee's files.]

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